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 Attorneys for Plaintiff DAVID MANZO,  
 By and through his conservator, Genoveva  
 Manzo.

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

DAVID MANZO, by and through his	)	Case No. 5:17-cv-1165-JGB-SP
Conservator, Genoveva Manzo,	)	
	)	<b>PLAINTIFF'S THIRD AMENDED</b>
Plaintiff,	)	<b>COMPLAINT FOR DAMAGES</b>
v.	)	<b>AND VIOLATIONS OF CIVIL</b>
COUNTY OF RIVERSIDE;	)	<b>RIGHTS</b>
STANLEY SNIFF, Sheriff of Riverside	)	
County; WILLIAM DI YORIO,	)	<b>JURY TRIAL DEMANDED</b>
Undersheriff of Riverside County,	)	
ANDREW SHOUSE, Captain of	)	
Robert Presley Detention Center;	)	
JERRY GUTIERREZ, Corrections	)	

1 Assistant Sheriff; Deputy MICHAEL )  
 2 MCCOLLUM; Deputy PAUL )  
 3 SALAZAR; Deputy MATTHEW )  
 4 BELL; Deputy ERNESTO )  
 5 DOMINGUEZ; Deputy JOSE )  
 6 MONZON; Deputy GREGORY )  
 7 BRESYN; Sergeant STONE; Deputy )  
 8 JAMES GRIESINGER; Deputy )  
 9 PETER MITCHELL; Deputy JESUS )  
 10 PEREZ; Deputy JONATHAN TOAN; )  
 11 Sergeant CHRISTOPHER WEDEL; )  
 12 Nurse EMEKA AKPAMGBO; Nurse )  
 13 KON YOUNG KIM, Nurse JASON )  
 14 CORTEZ, KEVIN SANCHEZ; ROSS )  
 15 LUNSTED; and DOES 1-125, )  
 16 Defendants. )

13 COMES NOW PLAINTIFF DAVID MANZO, By and Through his  
 14 Conservator, Genoveva Manzo, though his attorneys of record and alleges and  
 15 complains as follows:  
 16

### 17 **PRELIMINARY STATEMENT**

18  
 19 This matter arises from 35-year-old Plaintiff David Manzo being rendered a  
 20 quadriplegic at the hands of County of Riverside Sheriff's department employees  
 21 when they failed to utilize universally accepted spinal or medical precaution  
 22 measures to protect Plaintiff's spine from paralysis following injuries Plaintiff  
 23 sustained in a fight with another inmate at Robert Presley Detention Center in  
 24 Riverside, California. The County of Riverside, and its employees, have engaged  
 25 in a pattern and practice of violating Plaintiff's civil rights from the time of his  
 26 initial arrest, wherein deputies used excessive force against Plaintiff, including  
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 28

1 slamming Plaintiff to the ground, beating him, and pinning him to the ground with  
 2 the deputies' knee and full weight on the back of plaintiff's neck; to their failure  
 3 to protect plaintiff from violence at the hands of a known, vicious inmate; to the  
 4 final moment when County of Riverside jail employees manhandled Plaintiff's  
 5 injured body causing catastrophic spinal cord injuries and rendering plaintiff a 35-  
 6 year-old quadriplegic. A grave injustice has occurred as a result of the County of  
 7 Riverside and its various employees' deliberate indifference to Plaintiff's rights.

### 8 **JURISDICTION**

12 1. This action arises under Title 42 of the United States Code, Section  
 13 1983. Jurisdiction is conferred upon this Court by Title 28 of the United States  
 14 Code, Section 1331 and 1343. In addition, this Court has pendent and  
 15 supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over the state law claims  
 16 alleged in this complaint.

### 19 **VENUE**

21 2. The unlawful acts and practices alleged herein occurred in the  
 22 County of Riverside, State of California, within this judicial district. Therefore,  
 23 venue lies in the United States District Court for the Central District of California.

### 25 **CLAIMS REQUIREMENT**

26 3. Plaintiffs have complied with the requirements of California  
 27 Government Code section 900, et seq., where an action for state court claims is  
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1 filed against a public entity and its employees for the incident occurring on  
 2 October 25, 2016.  
 3

#### 4 **CONSERVATORSHIP ESTABLISHED**

5 4. On February 17, 2017, Letters of Conservatorship were issued by the  
 6 Superior Court of California for the County of Riverside, naming Genoveva  
 7 Manzo as conservator over Plaintiff David Manzo.  
 8

#### 9 **PARTIES**

10  
 11 5. Plaintiff, David Manzo, an individual, by and through his  
 12 conservator, Genoveva Manzo (hereafter “Manzo”), is, and at all times mentioned  
 13 herein was, a resident of the State of California.  
 14

15 6. Defendant County of Riverside (hereinafter “County”) is a public  
 16 entity which is responsible for and administers the Robert Presley Detention  
 17 Center (hereinafter “RPDC”) through its agency, the Riverside County Sheriff’s  
 18 Department (hereinafter “RCSD”). County promulgates policies and practices for  
 19 the housing, custody, care, safekeeping and protection of inmates in the RPDC.  
 20 At all times relevant, County was responsible for ensuring that the actions,  
 21 omissions, policies, procedures, practices and customs of the Riverside County  
 22 Sheriff’s Department and its employees and agents complied with the laws of the  
 23 Constitution of the United States and of the State of California.  
 24  
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28 7. Defendant Sheriff Stanley Sniff (hereafter “Sniff”) is, and at all times

1 herein mentioned, was the Sheriff of Riverside County. Sheriff Sniff ran,  
2 operated, oversaw, administered, supervised and was otherwise responsible for the  
3 conduct of the Riverside County Sheriff's Department at the Robert Presley  
4 Detention Center, including the conduct of emergency medical response teams at  
5 the jail. As Sheriff of Riverside County, Sniff has ultimate supervision and  
6 management responsibility over the five jails, or correctional facilities in  
7 Riverside County, all managed by the Sheriff's Department Corrections Division.  
8 Sniff at all times possessed the power and the authority and was charged by law  
9 with the responsibility to enact policies and to prescribe rules and practices  
10 concerning the operation of the Riverside County Sheriff's Department and/or was  
11 the supervisor of the other defendant officers named herein. Sniff is sued in his  
12 personal/individual capacity for his own culpable action or inaction in the training,  
13 supervision, or control of his subordinates, or for his acquiescence in the  
14 constitutional deprivations alleged herein.

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21 8. Defendant William Di Yorio (hereafter "Di Yorio"), Undersheriff of  
22 Riverside County, is, and at all times herein mentioned was, the Undersheriff of  
23 Riverside County. Di Yorio ran, operated, oversaw, administered, supervised and  
24 assisted Defendant Sniff with managing the day-to-day operations of the Riverside  
25 County jails and was otherwise responsible for the conduct of the RCSD at the  
26 RPDC and serves as Defendant Sniff's Chief of Staff.  
27  
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1           9. Defendant Corrections Assistant Sheriff Jerry Gutierrez (hereafter  
2 “Gutierrez”) is, and at all times herein mentioned, was the Corrections Assistant  
3 Sheriff of Riverside County. Assistant Sheriff Gutierrez ran, operated, oversaw,  
4 administered, supervised and was otherwise responsible for the conduct of the  
5 Riverside County Sheriff’s Department at the Robert Presley Detention Center.  
6  
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8           10. Defendant Captain Andrew Shouse (hereafter “Shouse”) is, and at all  
9 times herein mentioned, was the Captain of Robert Presley Detention Center for  
10 the Riverside County Sheriff’s Department. Captain Shouse ran, operated,  
11 oversaw, administered, supervised and was otherwise responsible for the conduct  
12 of the Riverside County Sheriff’s Department at the Robert Presley Detention  
13 Center.  
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16           11. Defendant Deputy Matthew Bell, Officer ID # N3564 (hereafter  
17 “Bell”) is, and at all times herein mentioned, was a deputy working Dayroom 5A  
18 of the RPCD at the time of the incident and was an employee of the Riverside  
19 County Sheriff’s Department. Deputy Bell was responsible for the protection,  
20 care and custody of the inmates at RPDC and was involved in moving Plaintiff,  
21 David Manzo after Manzo was injured in the fight with Defendant Kevin Sanchez.  
22  
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24           12. Defendant Deputy Ernesto Dominguez, Officer ID #5582 (hereafter  
25 “Dominguez”) is, and at all times herein mentioned, was a deputy working  
26 Dayroom 5A of the RPCD at the time of the incident and was an employee of the  
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1 Riverside County Sheriff's Department. Deputy Dominguez was responsible for  
2 the protection, care and custody of the inmates at RPDC and was involved in  
3 moving Plaintiff, David Manzo after Manzo was injured in the fight with  
4 Defendant Kevin Sanchez.  
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7 13. Defendant Deputy Jose Monzon, Officer ID #5233 (hereafter  
8 "Monzon") is, and at all times herein mentioned, was a deputy working Dayroom  
9 5A of the RPCD at the time of the incident and was an employee of the Riverside  
10 County Sheriff's Department. Deputy Monzon was responsible for the protection,  
11 care and custody of the inmates at RPDC and was involved in moving Plaintiff,  
12 David Manzo after Manzo was injured in the fight with Defendant Kevin Sanchez.  
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15 14. Defendant Deputy Gregory Bresyn, Officer ID# N5889 (hereafter  
16 "Bresyn") is, and at all times herein mentioned, was a deputy working Dayroom  
17 5A of the RPCD at the time of the incident and was an employee of the Riverside  
18 County Sheriff's Department. Deputy Bresyn was responsible for the protection,  
19 care and custody of the inmates at RPDC and witnessed the events occurring  
20 immediately after the fight between Plaintiff and Defendant Kevin Sanchez.  
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23 15. Defendant Sergeant Richard Stone, Officer ID# N2787 (hereafter  
24 "Stone") is, and at all times herein mentioned, was a Sergeant working Dayroom  
25 5A of the RPCD at the time of the incident and was an employee of the Riverside  
26 County Sheriff's Department. Sergeant Stone was charged with supervising  
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1 deputies at RPDC, responsible for the protection, care and custody of the inmates  
2 at RPDC, responsible for carrying out the policies and procedures of RPDC and  
3 the Riverside County Sheriff's Department, and witnessed the events occurring  
4 immediately after the fight between Plaintiff and Defendant Kevin Sanchez.  
5

6  
7 16. Defendant Deputy James Griesinger, Officer ID# N5026 (hereafter  
8 "Griesinger") is, and at all times herein mentioned, was a deputy working  
9 Dayroom 5A of the RPCD at the time of the incident and was an employee of the  
10 Riverside County Sheriff's Department. Deputy Griesinger was responsible for  
11 the protection, care and custody of the inmates at RPDC and witnessed the events  
12 occurring immediately after the fight between Plaintiff and Defendant Kevin  
13 Sanchez.  
14

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16  
17 17. Defendant Deputy Peter Mitchell, Officer ID# N5233 (hereafter  
18 "Mitchell") is, and at all times herein mentioned, was a deputy working Dayroom  
19 5A of the RPCD at the time of the incident and was an employee of the Riverside  
20 County Sheriff's Department. Deputy Mitchell was responsible for the protection,  
21 care and custody of the inmates at RPDC and witnessed the events occurring  
22 immediately after the fight between Plaintiff and Defendant Kevin Sanchez.  
23

24  
25 18. Defendant Deputy Jesus Perez, Officer ID# N4531 (hereafter  
26 "Perez") is, and at all times herein mentioned, was a deputy working Dayroom 5A  
27 of the RPCD at the time of the incident and was an employee of the Riverside  
28

1 County Sheriff's Department. Deputy Perez was responsible for the protection,  
2 care and custody of the inmates at RPDC and witnessed the events occurring  
3 immediately after the fight between Plaintiff and Defendant Kevin Sanchez.  
4

5 19. Defendant Sergeant Christopher Wedel (hereafter "Wedel") is, and at  
6 all times herein mentioned, was a Correctional Sergeant for the Riverside County  
7 Sheriff's Department and was charged with supervising deputies at RPDC,  
8 responsible for the protection, care and custody of the inmates at RPDC and for  
9 carrying out the policies and procedures of RPDC and the Riverside County  
10 Sheriff's Department. Sergeant Wedel was present at the time of the incident and  
11 oversaw the extraction of David Manzo from the jail.  
12  
13  
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15 20. Defendant Deputy Jonathan Toan (hereafter "Toan") is, and at all  
16 times herein mentioned, was a deputy working Dayroom 5A of the RPCD at the  
17 time of the incident and was an employee of the Riverside County Sheriff's  
18 Department. Deputy Toan was responsible for the protection, care and custody of  
19 the inmates at RPDC and witnessed the fight between Kevin Sanchez, Ross  
20 Lunsted and Plaintiff, David Manzo.  
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24 21. Defendant Nurse Emeka Akpangbo (hereafter "Emeka") is, and at  
25 all times herein mentioned, was a nurse working 5A of the RPCD at the time of  
26 the incident and was an employee of the Riverside County Sheriff's Department.  
27 Nurse Emeka was responsible for providing medical care and treatment to inmates  
28

1 at RPDC and witnessed and directly participated in the extraction of Manzo from  
2 the jail without providing spinal or medical precautions or following emergency  
3 medical protocols and guidelines.  
4

5 22. Defendant Nurse Kon Young Kim (hereafter “Young”) is, and at all  
6 times herein mentioned, was a nurse working 5A of the RPCD at the time of the  
7 incident and was an employee of the Riverside County Sheriff’s Department.  
8 Nurse Young was responsible for providing medical care and treatment to inmates  
9 at RPDC and witnessed and directly participated in the extraction of Manzo from  
10 the jail without providing spinal or medical precautions or following emergency  
11 medical protocols and guidelines.  
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15 23. Defendant Nurse Jason Cortez (hereafter “Cortez”) is, and at all times  
16 herein mentioned, was a nurse working 5A of the RPCD at the time of the incident  
17 and was an employee of the Riverside County Sheriff’s Department. Nurse  
18 Cortez was responsible for providing medical care and treatment to inmates at  
19 RPDC and witnessed and directly participated in the extraction of Manzo from the  
20 jail without providing spinal or medical precautions or following emergency  
21 medical protocols and guidelines.  
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25 24. Defendant Deputy Michael McCollum (hereafter “McCollum”) is, and  
26 at all times stated herein was, a Riverside County Sheriff’s Deputy bearing ID No.  
27 4209, and is a resident of California.  
28

1       25. Defendant Deputy Paul Salazar (hereafter “Salazar”) is, and at all times  
2 stated herein was, a Riverside County Sheriff’s Deputy bearing ID No. 4599, and  
3  
4 is a resident of California.

5       26. Defendant Kevin Sanchez (hereafter “Sanchez”) is, and at all times  
6  
7 herein mentioned, was a resident of the State of California and an inmate at  
8 RPDC.

9       27. Defendant Ross Lunsted (hereafter “Lunsted”) is, and at all times  
10  
11 herein mentioned, was a resident of the State of California and an inmate at  
12 RPDC.

13  
14       28. At all times relevant to this Complaint, Does 1- 50 are and were  
15 Sheriff’s deputies and/or employees or agents of the County of Riverside.

16  
17       29. At all times relevant to this Complaint, Does 51-100 are individuals  
18 whose identities are presently unascertained.

19       30. Plaintiff is truly ignorant of the names and capacities of Defendant  
20  
21 Does 1 – 100, inclusive, and therefore sues these defendants by such fictitious  
22 names. Plaintiff is truly ignorant of the facts giving rise to Does 1-100,  
23  
24 inclusive’s liability, and will amend this complaint once their identities have been  
25 ascertained as well as the facts giving rise to their liability.

26       31. Plaintiffs are informed and believe, and based thereon allege, that  
27  
28 each Doe defendant so named is responsible in some manner for the injuries and

1 damages suffered by Plaintiff.

2 32. These defendants were agents, servants, and employees of each of the  
3  
4 named defendants and were acting at all times within the full course and scope of  
5 their agency and employment, with the full knowledge and consent, either  
6 expressed or implied, of their principal and/or employer and each of the other  
7 named defendants and each of the defendants had approved or ratified the actions  
8 of the other defendants by making the currently named defendants herein liable  
9 for the acts and/or omissions of their agents, servants and/or employees.  
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### 12 **STATEMENT OF FACTS**

13  
14 33. On September 5, 2016, Plaintiff, David Manzo was a 34 year old  
15 Perris, California resident suffering from a mental health disorder, including  
16 schizophrenia. Manzo had been diagnosed a schizophrenic since the age of 16.  
17 On September 5, 2016, Defendants Riverside County Sheriff's Deputies Salazar  
18 and McCollum responded to a domestic disturbance call at Manzo's home in  
19 Perris, California.  
20  
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22 34. Prior to September 5, 2016, Defendant Salazar, in his capacity as a  
23 Sheriff's deputy, had interacted with Manzo on numerous other occasions due to  
24 Manzo's mental health condition wherein Defendant Salazar would take Manzo to  
25 Mental Health Emergency Treatment Services ("ETS") and place Manzo on a  
26 Welfare and Institutions Code section 5150 detention. Several times prior to the  
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1 incident, when Defendant Salazar would arrive at Manzo's home for purposes of  
2 taking him to ETS, Manzo would be waiting for Defendant Salazar on the front  
3 lawn while smoking a cigarette. Defendant Salazar would allow Manzo to finish  
4 smoking his cigarette before peacefully taking him into custody and transporting  
5 him to ETS for a 5150 hold.  
6  
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8 35. On September 5, 2016, however, Defendant Salazar arrived to find  
9 Manzo on the lawn of his home smoking a cigarette, Defendant Salazar refused to  
10 let Manzo finish his cigarette and instead demanded that he go immediately with  
11 Defendant Salazar to jail, rather than ETS. At no time did Defendant Salazar or  
12 McCollum conduct any investigation into the call that led them to Plaintiff's  
13 property to begin with. When Salazar told Manzo he must go immediately to jail,  
14 Manzo flicked his cigarette, unintentionally hitting Defendant Salazar in the face  
15 with the cigarette. At that point, Defendant Salazar aggressively tackled Manzo,  
16 knocking him to the ground, forcefully putting his hand and later his knee into the  
17 back of Manzo's neck and holding it there while Manzo was face down on the  
18 ground. Once on the ground, Manzo did not attempt to resist the arrest and  
19 instead, remained on the ground while Defendant Salazar cuffed Manzo. After  
20 Defendant Salazar cuffed Manzo and Manzo exhibited no signs of resistance to  
21 the arrest, Defendant Salazar and Defendant McCollum then began to viciously  
22 beat Manzo with their fists, with each deputy punching Manzo in the head no less  
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1 than three times, all while Manzo's head was against the ground. Manzo was  
2 thereafter transported to the Riverside County Sheriff's Perris Station. He was  
3  
4 booked and ultimately transferred to Robert Presley Detention Center (RPDC) in  
5 Riverside, California.

6  
7 36. At all times, Defendants Salazar and McCollum knew that Manzo  
8 suffered from a mental health disorder – namely, schizophrenia. Both deputies  
9 knew that as a result of Manzo's mental health condition, he required special  
10 accommodations and that a serious risk to Manzo's health and safety existed by  
11 allowing Manzo to interact with other inmates, in particular, inmates who  
12 displayed frequent, violent tendencies towards other inmates.  
13  
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15 37. Schizophrenia is a mental health impairment that substantially limits  
16 Manzo's major life activities, including his ability to communicate with people,  
17 understand people, his ability to learn, and to care for himself in activities of daily  
18 living. Defendants Salazar and McCollum could have and should have offered  
19 special accommodations to Manzo including: communicating with Manzo's  
20 caretaker, who was present at the scene; working with his caretaker to approach  
21 Manzo in a non-threatening manner, to speak to Manzo in a way that was non-  
22 threatening and calming in order to avoid an escalation of the situation and to  
23 avoid the use of force; contacting another officer or employee who specializes in  
24 communicating with disabled individuals like Manzo to facilitate the necessary  
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1 interaction, removal or arrest; by respecting Manzo's comfort zone, engaging in  
2 non-threatening communications and gestures with Manzo directly, using the  
3 passage of time to defuse the situation, and ceasing the use of force once it was  
4 evident that Manzo was unarmed, terrified, no threat to officers and following  
5 their instructions.  
6  
7

8 38. After Manzo's arrest on September 5, 2016 and at the time of the  
9 incident on October 25, 2016, Manzo was temporarily being housed at RPDC  
10 pending transfer to Patton – a psychiatric hospital. Due to his mental illness,  
11 Manzo had been deemed mentally incompetent to stand trial by 2 different doctors  
12 and the court and therefore, was awaiting transfer to Patton when the October 25,  
13 2016 incident occurred.  
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16 39. Defendant Jerry Gutierrez is, and at all times mentioned herein was  
17 responsible for corrections support for all the jails in Riverside County.  
18 Gutierrez's job duties include responsibility for ensuring compliance with policies  
19 and procedures in County jails. The Riverside County Sheriff's department has  
20 general policies applicable to all of the jails in the County, as well as procedures  
21 for each specific jail. Gutierrez knew that Riverside County jail inmates have  
22 been severely injured and even died from violence caused by other inmates before  
23 this incident occurred based on his review of statistics dating as far back as 2009.  
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28 40. At RPDC on October 25, 2016, Manzo was the victim of an assault

1 and battery by inmates Defendant Kevin Sanchez and Defendant Ross Lunsted.  
2 On that date, while Manzo, Sanchez and Lunsted were in the 5A Dayroom of the  
3 RPDC, Sanchez began to threaten, intimidate and physically fight with Manzo.  
4 The fight occurred directly in front of the window to the Pod Control room. The  
5 Pod Control room overlooks the dayroom with a large window through which jail  
6 staff can observe and supervise the inmates in the dayroom. The Pod Control  
7 room is manned at all times by at least one deputy. Plaintiff is informed and  
8 believes and based thereon alleges, that at the time of the fight between Sanchez  
9 and Manzo, Deputy Toan, and possibly other deputies were in the Pod Control  
10 room watching Sanchez threaten, intimidate and physically punch Manzo.

15 41. The fight between Sanchez, Manzo and Lunsted was recorded on  
16 video that was captured from cameras set up in the jail. Plaintiff is informed and  
17 believes and based thereon alleges that prior to the physical altercation between  
18 Sanchez and Manzo, Sanchez threatened, intimidated and argued with Manzo.  
19 First, earlier in the day while Manzo was housed in his cell, Sanchez was seen by  
20 deputies on jail cameras to be manipulating the food slot to Manzo's cell which is  
21 prohibited. Then, during dayroom time before the physical fight broke out, while  
22 Sanchez was playing dice with other inmates, Sanchez intimidated and threatened  
23 Manzo again. The incident caused such a commotion that other inmates  
24 intervened to try to get Sanchez to "calm down". Plaintiff is informed and  
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1 believes that all of the deputies assigned to 5A witnessed or heard the verbal  
2 altercation between Manzo and Sanchez before the physical violence against  
3 Manzo by Sanchez began. Thereafter, at approximately 7:43 p.m. on October 25,  
4 2016, Sanchez began to physically attack Manzo. At the time of the incident,  
5 Sanchez can be seen chasing Manzo from one side of the dayroom to the other  
6 and back to the other side of the dayroom again. At one point, Manzo attempts to  
7 flee from Sanchez by trying to climb up the stairs to the second level of the  
8 dayroom, but he is then punched by Lunsted and pushed back into Sanchez such  
9 that Manzo is unable to escape from the attack by Sanchez. Manzo tried to get  
10 away from Sanchez who continued to follow after him relentlessly, continuing the  
11 fight, which included multiple hits to Manzo. Plaintiff is informed and believes  
12 and based thereon alleges, that throughout the entire attack of Manzo by Sanchez,  
13 jail staff that were on duty for Dayroom 5A, including the staff manning the Pod  
14 Control booth, watched the fight occur. Sanchez then grabbed Manzo from  
15 behind, whereupon Sanchez then fell backward to the ground, pulling Manzo to  
16 the ground with him, with Manzo landing on top of Sanchez's body.

23  
24 42. After Sanchez pulled Manzo to the ground, jail staff then flashed the  
25 lights and inmates in the 5A dayroom returned to their cells with the exception of  
26 Manzo who remained lying on the floor of Dayroom 5A. Video of the incident  
27 shows Manzo still had use of his limbs while he was awaiting medical attention on  
28

1 the floor of the dayroom. At that moment, Manzo was still able to roll his body  
2 onto its side briefly through his own efforts using his limbs.  
3

4 43. Plaintiff is informed and believes and based thereon alleges, that at  
5 the time of the incident on October 25, 2016 Defendants Stone, Wedel, Toan,  
6 Bell, Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100,  
7 knew that Defendant Sanchez was a violent person who repeatedly picked fights  
8 with other inmates in the jail and that based on Sanchez's prior conduct toward  
9 other inmates that Sanchez would likely threaten, intimidate and harm Manzo.  
10 For example, on September 14, 2016, approximately one month before the time  
11 Manzo was attacked by Sanchez, it was noted in the Jail Information Management  
12 System ("JIMS") that Sanchez was exhibiting bizarre behavior, was kicking the  
13 cell door, yelling profanities toward deputies and inciting other inmates and that  
14 when given orders by deputies who were trying to restrain him, Sanchez refused  
15 to obey the orders. On October 17, 2016, just 8 days before Sanchez attacked  
16 Manzo, deputies also witnessed Sanchez not getting along with his cellmate –  
17 which was again noted in the JIMS system. Sanchez was also found not to get  
18 along with his cellmates on February 3, 2014 and March 16, 2014 and had razors  
19 in his possession on February 10, 2014 and March 15, 2014. Sanchez was  
20 rehoused on January 19, 2014 because he was a "danger to others". He was also  
21 noted in the JIMS system on January 16, 2014 to have "odd" and "unpredictable  
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1 behaviors". JIMS records note that on September 1, 2012, Sanchez assaulted and  
2 battered another inmate. On September 10, 2012 and September 14, 2012  
3 Sanchez was re-housed due to having issues with his cellmate and other inmates.  
4 On September 17, 2012 JIMS notes indicate that Sanchez was removed from the  
5 dayroom because "many people are complaining" about his behavior.  
6  
7

8 44. All of the deputies, including all of the supervising officers at RPDC  
9 have access to the JIMS system and can review an inmate's history and  
10 classification at any time to determine the suitability of allowing a violent inmate  
11 to interact with a known, schizophrenic pre-trial detainee like Manzo.  
12  
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14 45. Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn,  
15 Griesinger, Mitchell, Perez and Does 1 to 100 knew that Sanchez should not be  
16 permitted to have contact with Manzo prior to the time Sanchez attacked Manzo.  
17 Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn, Griesinger,  
18 Mitchell, Perez and Does 1 to 100 failed to properly classify and segregate  
19 Sanchez from Manzo.  
20  
21

22 46. On October 25, 2016, Defendants Toan, Wedel, Bell, Dominquez,  
23 Monzon, Bresyn, Stone, Griesinger, Mitchell, Perez and other currently  
24 unascertained deputies Does 1 to 100 were on duty and tasked with the  
25 responsibility of ensuring the safety of inmates in 5A of RPDC. Defendant Toan  
26 witnessed the threats being made by inmate Sanchez on Plaintiff, then witnessed  
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1 the situation escalate into full blown violence against Plaintiff when inmates  
2 Sanchez and Lunsted repeatedly punched Plaintiff in the head. Defendants Stone,  
3  
4 Wedel, Bell, Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does  
5 1 to 100 knew or should have known from the length of the fight, the noise  
6 coming from dayroom 5A where the fight occurred, and their proximity to the  
7 dayroom and the large windows in each of the doorways to the dayroom that the  
8 fight was occurring and that Plaintiff was being attacked.  
9  
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11 47. Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn,  
12 Griesinger, Mitchell, Perez and Does 1 to 100 all had access to and the ability and  
13 duty to exercise control over the inmates on the 5<sup>th</sup> floor by using various security  
14 measures available to them, including locking cell doors, monitoring and  
15 supervising the dayroom, and segregating violent inmates from vulnerable inmates  
16 like Plaintiff. Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon,  
17  
18 Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 using controls in the Pod  
19 Control booth could control which inmates would be permitted into the dayroom  
20 and which would not be permitted into the dayroom. Defendants Stone, Wedel,  
21 Toan, Bell, Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1  
22 to 100 could lock cell doors from within the Pod control booth.  
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27 48. At the time of the incident, Defendants Stone, Wedel, Toan, Bell,  
28 Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 knew

1 or should have known that Plaintiff was an inmate with mental health needs in  
2 protective custody status who was awaiting transfer to a mental health hospital.  
3  
4 Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn, Griesinger,  
5 Mitchell, Perez and Does 1 to 100 knew or should have known that Sanchez was  
6 violent and that allowing Sanchez to interact with Plaintiff exposed Plaintiff to  
7 serious risk of injury at the hands of Sanchez.  
8

9  
10 49. Plaintiff is informed and believes and based thereon alleges that,  
11 Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn, Griesinger,  
12 Mitchell, Perez and Does 1 to 100 entered the dayroom after the fight at virtually  
13 the same time, as a group, such that all the aforementioned defendants had also  
14 witnessed the fight through the large windows existing on the doors to the  
15 dayroom and from the Pod control booth and/or had overheard the sounds of the  
16 fight occurring when they were within sufficient proximity to have responded  
17 promptly to halt the altercation before it escalated into full blown violence against  
18 Plaintiff.  
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22 50. Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn,  
23 Griesinger, Mitchell, Perez and Does 1 to 100 knew or should have known that  
24 Plaintiff was injured, lying on the floor of the dayroom and that Plaintiff required  
25 medical attention. None of Defendants Stone, Wedel, Toan, Bell, Dominguez,  
26 Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 took any action to  
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1 summon medical care for Plaintiff. Instead, deputies began moving/acquiescing  
2 in the movement of Plaintiff's body around the dayroom, thereby permanently  
3 injuring Plaintiff's spine, delaying and denying Plaintiff the medical care he  
4 required and depriving Plaintiff of any possibility of recovering from his injuries.  
5

6  
7 51. The only medical staff to arrive in the dayroom and go near Plaintiff  
8 was Nurse Emeka, who did so only after deputies had already irreparably  
9 damaged Plaintiff's spine by moving/acquiescing in the movement of Plaintiff's  
10 body. Emeka was not a registered nurse, was not qualified or competent to  
11 provide any medical care to Plaintiff and claimed his only duties were to hand out  
12 pills to inmates during pill call. Emeka was not summoned to the dayroom to  
13 provide care for Plaintiff, nor did he provide any medical assessment or care to  
14 Plaintiff after his arrival in the dayroom. Defendants Stone, Wedel, Toan, Bell,  
15 Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 all  
16 knew that Emeka lacked appropriate training, skills, or authority to provide  
17 adequate medical care to Plaintiff. Furthermore, said Defendants all witnessed  
18 Emeka failing to conduct any assessment of Plaintiff's condition or provide any  
19 care to Plaintiff after the incident. Defendants Stone, Wedel, Toan, Bell,  
20 Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 all  
21 knew that at a bare minimum, the charge nurse on staff at the time of the incident  
22 should have been summoned to the dayroom to assess Plaintiff's medical  
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1 condition before anyone attempted to move Plaintiff's body, but none of said  
2 Defendants summoned the charge nurse, a doctor or another qualified medical  
3 professional.  
4

5 52. Defendant Bresyn stated in reports that he watched Dominguez and  
6 Bell lifting Plaintiff from the floor of the dayroom. Defendant Bresyn also  
7 requested the wheelchair that was used to roll Plaintiff out of the 5A dayroom. In  
8 violation of training and jail policies and procedures, Defendant Bresyn agreed to  
9 move Plaintiff using a wheelchair rather than a backboard, and to move Plaintiff  
10 before he was evaluated by medical staff. Defendant Bresyn rolled Plaintiff in the  
11 wheelchair down the 5<sup>th</sup> floor hallway to another room, rather than transporting  
12 him directly to the hospital. Defendant Bresyn knew that transporting an inmate  
13 with a suspected spinal cord injury in a wheelchair violated POST and RPDC jail  
14 procedures and put the health and safety of Plaintiff at serious risk. Nevertheless  
15 Defendant Bresyn participated in furthering Plaintiff's injuries by transporting  
16 Plaintiff in a wheelchair out of the dayroom rather than wait for medical staff to  
17 evaluate Plaintiff's condition.  
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23 53. Defendant Stone, who was in charge of controlling the scene in the  
24 dayroom at the time of the incident, filed a report concerning the incident. In his  
25 report, Stone stated that he saw Bell and Dominguez move Plaintiff from the floor  
26 of the dayroom. Video shows that before Bell and Dominguez moved Plaintiff, he  
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28

1 still had use of his limbs and was not paralyzed. After Bell and Dominguez  
2 moved Plaintiff, he was paralyzed from the neck down. Stone reported that he  
3 told Bresyn to get a wheelchair. Defendant Stone knew that transporting an  
4 inmate with a suspected spinal cord injury in a wheelchair violated POST and  
5 RPDC jail procedures and put the health and safety of Plaintiff at serious risk.  
6 Nevertheless Defendant Stone personally participated in furthering Plaintiff's  
7 injuries by ordering Defendant Bresyn to transport Plaintiff in a wheelchair out of  
8 the dayroom and watching and approving as Bresyn rolled Plaintiff out of the  
9 dayroom in the wheelchair. Additionally, Defendant Perez stated in his report that  
10 Stone told Bell and Dominguez to move Plaintiff onto his side. Stone knew or  
11 should have known that moving Plaintiff's body around when he had an apparent  
12 head/neck injury could, and likely would, cause Plaintiff further spinal cord  
13 injury. Nevertheless, Stone told deputies Bell and Dominguez to move Plaintiff's  
14 body. All of this occurred before Plaintiff's medical condition was ever assessed  
15 by competent medical staff.

22 54. Defendant Bell stated in his report that **"as I walked up to Manzo**  
23 **he was moving his upper body."** The County investigator who reviewed the  
24 video also confirmed that Plaintiff moved his upper body twice while lying on the  
25 floor of the dayroom.

28 55. Defendant Bell stated in his report that when he encountered Plaintiff

1 on the floor of the dayroom that Plaintiff had blood on his face.

2       56. Defendant Monzon also assisted Bell and Dominguez in trying to lift  
3  
4 Plaintiff before any medical assessment was performed. Monzon stated in his  
5 report that when he entered the dayroom, he saw that Plaintiff was “bleeding from  
6 his head.” Monzon stated in his report that he told Bell and Dominguez that  
7 Plaintiff had a “head injury”. At the time that Monzon told Bell and Dominguez  
8 about the head injury, plaintiff is informed and believes and based thereon alleges  
9 that Defendants Stone, Wedel, Toan, Bresyn, Griesinger, Mitchell, Perez and  
10 Does 1 to 100 were also present and knew or should have known that Plaintiff had  
11 a head injury. This was all known to Defendants Stone, Wedel, Toan, Bell,  
12 Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100  
13 before Plaintiff received any medical assessment and should have immediately  
14 caused Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn,  
15 Griesinger, Mitchell, Perez and Does 1 to 100 to summon medical care, but they  
16 did not.  
17

18       57. Defendant Monzon stated after trying many times to lift Plaintiff that  
19 “Manzo appeared completely limp” and that Plaintiff told jail staff in the dayroom  
20 that he was paralyzed. Defendants Stone, Wedel, Toan, Bell, Dominguez,  
21 Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 were all present  
22 and heard Plaintiff say (after his body had been manhandled by deputies) that he  
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1 was paralyzed. Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon,  
2 Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 knew or should have  
3 known that plaintiff had serious injuries that required immediate medical  
4 attention, but none of them summoned medical care and did not give Plaintiff's  
5 emergency condition the attention it deserved as required by their training and jail  
6 policies and procedures.  
7

8  
9 58. The conduct of Defendants Stone, Wedel, Toan, Bell, Dominguez,  
10 Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 **was not intended**  
11 **to provide medical care** to Plaintiff but only to move him out of the way. The  
12 conduct of Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn,  
13 Griesinger, Mitchell, Perez and Does 1 to 100 caused injury and/or contributed to  
14 further injury to Plaintiff's spine.  
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18 59. Manzo was lying injured on the floor of Dayroom 1 of 5A awaiting  
19 medical attention when Defendants Stone, Wedel, Toan, Bell, Dominguez,  
20 Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 entered the  
21 dayroom. Defendants Bell, Dominguez and Monzon abruptly and roughly picked  
22 up Manzo by his shirt with his head hanging freely, and rolled him on his back,  
23 with his feet tucked underneath him in an awkward position. Defendants Stone,  
24 Wedel, Toan, Bell, Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez,  
25 Young, Cortez, Emeka and Does 1 to 100 made no attempt to follow basic  
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1 emergency medical services, protocols and guidelines in providing medical  
2 treatment to Manzo. No cervical collar was placed on Manzo, nor was a  
3 backboard utilized to prevent damage to Manzo's spine. It is clear from the video  
4 that Manzo still had use of his limbs immediately before deputies entered the  
5 dayroom. Defendants Bell, Dominguez and Monzon manhandled Manzo several  
6 times trying to get him to sit up or stand. While enduring this treatment, Manzo's  
7 limbs immediately went limp upon being picked up by his shirt by the deputies.  
8 Manzo was also conscious while lying on the floor of the dayroom and could have  
9 answered questions concerning his medical condition to staff if they had asked  
10 him before they moved his body. Manzo specifically asked the deputies present to  
11 leave him on the floor *before* the deputies began trying to pick Manzo up.  
12 Instead, Defendants Bell, Dominguez and Monzon roughly, and improperly,  
13 picked Manzo up. Plaintiff is informed and believes and based thereon alleges,  
14 that in manhandling Manzo's body in that manner, the deputies caused  
15 catastrophic injury to Manzo's spine rendering him a quadriplegic. Video of the  
16 incident shows deputies trying numerous times to pick up Manzo only for Manzo  
17 to slump back awkwardly to the floor, clearly lacking any ability to move his four  
18 limbs after being roughly manhandled by the deputies.

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60. After being picked up by the deputies, Manzo then repeatedly informed deputies and nursing staff present that he was paralyzed, but Defendants

1 Toan, Wedel, Bell, Dominquez, Monzon, Bresyn, Stone, Griesinger, Mitchell,  
2 Perez, Emeka, Young, Cortez and other currently unascertained deputies Does 1  
3 to 100, nevertheless moved and/or failed to intercede in the movement of Manzo's  
4 body out of the dayroom without using universally accepted spinal precautions or  
5 standard emergency medical procedures.  
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8 61. Plaintiff is informed and believes and based thereon alleges, that  
9 Defendants Bell, Dominguez and Monzon were deputies who tried to pick up  
10 Plaintiff prior to the arrival of medical help and without following standard  
11 procedures or utilizing universal spinal precautions to protect Plaintiff from severe  
12 spinal cord injury.  
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15 62. Plaintiff is informed and believes and based thereon alleges, that  
16 Defendants Toan, Bresyn, Stone, Wedel, Griesinger, Mitchell, Perez, Emeka,  
17 Young and Cortez all witnessed Defendants Bell, Dominguez and Monzon  
18 manhandling Plaintiff's body prior to the arrival of medical help and/or without  
19 following standard procedures or utilizing universal spinal precautions to protect  
20 Plaintiff from severe spinal cord injury and did nothing to intercede or stop the  
21 movement of Manzo's body out of the dayroom.  
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25 63. Defendants Toan, Emeka, Young, Cortez, Wedel, Bresyn, Stone,  
26 Griesinger, Mitchell, Perez and other Riverside County sheriff's deputies, nursing  
27 staff, and first responders on the scene and Does 1 to 100 (whose identities are  
28

1 currently unascertained) all stood around watching Manzo's body be manhandled  
2 by the deputies. All of the jail and medical staff on the scene ignored Manzo's  
3 serious medical needs. All of the jail and medical staff on the scene failed to  
4 follow jail procedures in dealing with a medical emergency. None of the staff  
5 called for a backboard or cervical collar. Nor did any of the jail employees assess  
6 Manzo's medical condition first before trying to move his body. Instead, after  
7 trying to have Manzo stand or sit on his own without success, jail staff then tossed  
8 Manzo into a wheelchair and wheeled him out of the dayroom.

12 64. Manzo was then rolled, slumped over in the wheelchair down a  
13 hallway and into a medical room where he was kept by jail staff and jail medical  
14 staff in the wheelchair for approximately 30 minutes before he was transported by  
15 outside emergency medical technicians to the hospital for treatment of his severe  
16 spinal cord injuries.

19 65. Once in the 5<sup>th</sup> floor hallway room, Defendant Toan interrogated  
20 Plaintiff for a period of almost 30 minutes. While in that room, Defendants  
21 Emeka, Young and Cortez were also present and Plaintiff told Toan, Emeka,  
22 Young and Cortez that he was paralyzed. Plaintiff was propped into sitting  
23 upright in a chair in the 5<sup>th</sup> floor hallway room in excess of 30 minutes. Toan said  
24 during that time that Plaintiff was incoherent, mumbling and his head was  
25 "bobbing around". Plaintiff remained propped up in that sitting position for over  
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1 30 minutes with his blood pressure dropping and his body's blood flow being  
2 impaired and his oxygen saturation dropping precipitously. Toan, Emeka, Cortez  
3 and Young all knew that Plaintiff's oxygen levels were dangerously dropping and  
4 that a drop in Plaintiff's oxygen levels endangered Plaintiff's health and safety.  
5 Still, Toan continued to interrogate Plaintiff for a lengthy period of time, while  
6 Emeka, Young and Cortez observed, without anyone making an effort to promptly  
7 summon medical care for Plaintiff. Plaintiff eventually arrived at the hospital  
8 after a lengthy delay of one hour and 25 minutes. The delay in transporting  
9 Plaintiff to the hospital caused further injury to Plaintiff, all of which was known  
10 or should have been known to Defendants Toan, Emeka, Young, Cortez, Wedel,  
11 Bresyn, Stone, Griesinger, Mitchell, Perez and Does 1 to 100.

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17 66. None of the actions taken by Defendants Stone, Wedel, Toan, Bell,  
18 Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 were  
19 for the purpose of providing medical care to Plaintiff, but were instead merely to  
20 transport Plaintiff out of the dayroom.

21  
22 67. Throughout the entire time that Manzo's body was being manhandled  
23 by the deputies, Defendant Stone and Wedel, who were supervising sergeants,  
24 stood by with their hands in their pockets observing their subordinates failing to  
25 respond to Manzo's medical needs and taking no action themselves to discipline,  
26 intervene or otherwise stop the manhandling of Manzo's body and the infliction of  
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1 cruel and unusual punishment on Manzo. Stone and Wedel, as supervising  
2 sergeants were charged with the responsibility of overseeing and instructing the  
3 deputies and medical staff in the dayroom. Stone and Wedel were the decision-  
4 makers in the dayroom and had absolute control over the actions of deputies and  
5 jail medical staff in the dayroom throughout the incident and its aftermath. Stone  
6 and Wedel knew that Plaintiff required immediate medical care, that competent  
7 medical care should be summoned immediately to assess Manzo's injuries and  
8 that Manzo's body should not be moved until such time as Manzo is examined by  
9 competent medical staff. Nevertheless, Stone and Wedel did not take any action  
10 to either instruct deputies to call for medical care or order medical care to the  
11 scene themselves. Stone and Wedel did not tell the deputies to stop moving  
12 Plaintiff's body, despite them knowing that any movement could irreparably harm  
13 Plaintiff's spinal cord. Stone personally participated in orders directing  
14 movement of Plaintiff's body prior to Plaintiff being evaluated by medical staff  
15 and also made the decision for Plaintiff to be transported out of the dayroom in a  
16 wheelchair. Stone and Wedel could have, and should have, ordered the deputies  
17 not to touch Plaintiff and to wait for competent medical staff to arrive.

25 68. As a direct and proximate result of the jail and medical staff's failure  
26 to use any spinal or medical precautions when extracting Manzo from the jail,  
27 Manzo suffered catastrophic spinal cord injuries that have rendered him a  
28

1 quadriplegic. Manzo is no longer able to care for his own needs including,  
2 toileting, bathing and feeding. Manzo suffers frequent, painful bedsores, bouts of  
3 pneumonia and will require 24-hour round the clock medical care and treatment  
4 for the remainder of his life.  
5

6  
7 69. Throughout the entire period of Manzo's detainment by the Riverside  
8 County Sheriff's Department, Manzo displayed behavior consistent with  
9 possessing a serious mental health disorder such that he should have been  
10 evaluated, classified, and provided necessary mental health treatment appropriate  
11 for his condition, including, specialized housing to protect him from being  
12 threatened and attacked by other inmates.  
13  
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15 70. On information and belief, plaintiff further alleges that employees of  
16 the Riverside County Sheriff's Department and Robert Presley Detention Center  
17 failed to make timely inspections of the dayroom such that the beating of Manzo  
18 could have been prevented, or deputies could have intervened such that Manzo  
19 would not have sustained the injuries he sustained in the incident with Sanchez.  
20  
21 Additionally, plaintiff alleges on information and belief that deputies assigned to  
22 monitor the dayroom were either not present or were not paying attention and  
23 failed to properly monitor the dayroom, including, failing to make visual  
24 inspections of the dayroom according to the jail's standard operating procedures.  
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28 71. On information and belief, Plaintiff further alleges that employees of

1 the Riverside County Sheriff's Department and Robert Presley Detention Center  
2 failed to administer prompt and adequate medical attention to Manzo which  
3  
4 directly caused Manzo to become quadriplegic and suffer severe, permanent,  
5 harm.

6  
7 72. On February 18, 2015 - more than one year before the incident herein  
8 involving Plaintiff David Manzo – a pre-trial detainee suffering from a mental  
9 health condition by the name of Eddy Soriano was housed at RPDC on the same  
10 mental health floor (5th Floor) as Plaintiff David Manzo was later housed. At the  
11 time of that prior February 18, 2015 incident, Defendants Stanley Sniff, William  
12 Di Yorio, Jerry Gutierrez, Andrew Shouse, Stone, Christopher Wedel and other  
13 presently unascertained employees of the County of Riverside (Does 1 to 100),  
14 were employed with the County of Riverside Sheriff's department and charged  
15 with the responsibility of supervising, and managing the Riverside County jails.

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19 73. On February 18, 2015 Mr. Soriano was severely beaten by his  
20 cellmate on the 5th floor of RPDC and remains in a permanent vegetative state as  
21 of the date this complaint is filed. At the time of that incident, Riverside County  
22 jail employees knew that inmates in the mental health floor of RPDC (5th floor)  
23 were routinely violent toward other inmates and that fights break out between the  
24 inmates on that floor with sufficient frequency that the safety of the other inmates  
25 housed on that floor must be closely supervised and that precautions to avoid the  
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1 interaction of violent inmates with other inmates housed on the 5th floor of RPDC  
2 must be implemented and utilized for the safety and security of the inmates. Due  
3 to the severity of the injuries suffered by Mr. Soriano, a large-scale investigation  
4 was conducted which involved reports issued to all County of Riverside  
5 supervising personnel, including, Defendants Sheriff Sniff, William Di Yorio,  
6 Jerry Gutierrez, Andrew Shouse, Stone, Christopher Wedel, and other presently  
7 unascertained employees of the County of Riverside (Does 1 to 100). Sheriff Sniff  
8 and Jerry Gutierrez were named as defendants in the lawsuit brought on behalf of  
9 Mr. Soriano against the County of Riverside.  
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14 74. Following Mr. Soriano's attack, a crime analyst conducted a detailed  
15 investigation of inmate-on-inmate violence occurring at RPDC between February  
16 2014 and March 2015. The results of the investigation were compiled into a  
17 memorandum (hereafter "RPDC Crime Study"). The RPDC Crime Study  
18 revealed 208 reports of inmate-on-inmate battery incidents at RPDC spanning the  
19 approximate one year period between February 2014 and March 2015, with the  
20 5th floor housing unit ranking the highest in inmate-on-inmate violence incidents  
21 resulting in injury.  
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25 75. Plaintiff is informed and believes, and based thereon alleges that the  
26 RPDC Crime Study was circulated and reviewed by Defendants Sheriff Sniff,  
27 William Di Yorio, Jerry Gutierrez, Andrew Shouse, Stone, Christopher Wedel,  
28

1 and other presently unascertained employees of the County of Riverside (Does 1  
2 to 100) before Plaintiff David Manzo was attacked at RPDC.

3  
4 76. Plaintiff is informed and believes and based thereon alleges that the  
5 results of the RPDC Crime Study as well as the February 18, 2015 attack of Eddy  
6 Soriano by his cellmate were known or should have been known to Defendants  
7 Sniff, Di Yorio, Gutierrez, Shouse, Stone, Wedel and other presently  
8 unascertained employees of the County of Riverside (Does 1 to 100) prior to the  
9 date Plaintiff David Manzo was attacked. Plaintiff alleges that both before and  
10 after David Manzo was attacked by inmates Sanchez and Lunsted, Defendants  
11 Sniff, Di Yorio, Gutierrez, Shouse, Stone, Wedel and other presently  
12 unascertained employees of the County of Riverside (Does 1 to 100) knew or  
13 should have known that inmate-on-inmate violence on the 5th floor of RPDC was  
14 not only common, but frequent and often resulted in severe injuries or death.

15  
16 77. Plaintiff is informed and believes and based thereon alleges that  
17 despite the incident involving Mr. Soriano and despite the RPDC Crime Study  
18 statistics showing that the 5th floor of RPDC suffers from an inordinately high  
19 level of inmate-on-inmate violence, Defendants Sniff, Di Yorio, Gutierrez,  
20 Shouse, Stone, Wedel and other presently unascertained employees of the County  
21 of Riverside (Does 1 to 100): failed to take any action to increase or modify the  
22 level of supervision of inmates on the 5th floor of RPDC; failed to modify  
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1 classification policies and procedures to reduce or eliminate the inmate-on-inmate  
2 violence that occurs on the 5th floor of RPDC in a manner that would ensure the  
3 safety and security of the inmates housed on the 5th floor of RPDC; acquiesced to  
4 the inmate-on-inmate violence occurring on the 5th floor of RPDC, and by  
5 acquiescing to the inmate-on-inmate violence occurring at RPDC, thereby  
6 endorsed, condoned, sanctioned, approved and furthered policies, procedures and  
7 practices that were known to result in a violation of the rights of inmates to be free  
8 from violence at the hands of other inmates and the rights of inmates to be free  
9 from cruel and unusual punishment.  
10

11  
12 78. Additionally, prior to Plaintiff's brutal attack, at least four  
13 occurrences of inmate-on-inmate violence resulting in death or severe injuries at  
14 other Riverside jail facilities have occurred. Those occurrences include (a) the  
15 severe beating of Vernon Vasquez on January 10, 2013; (b) the death of Julio  
16 Negrete on May 9, 2013; (c) the severe beating of William Ray Espinoza on  
17 November 14, 2013; and (d) the death of Robert Anthony Hearn on March 17,  
18 2015. Plaintiff is informed and believes and based thereon alleges that each of  
19 those four occurrences were known to supervisory Defendants Sniff, Di Yorio,  
20 Gutierrez, Shouse, Stone, and Wedel before the time Plaintiff was attacked. All  
21 four occurrences stemmed from County's policy, practice and custom of  
22 overcrowding inmates, improperly classifying inmates, housing violent and  
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1 mentally unstable inmates together in cells, failing to follow standard operating  
2 procedures regarding performing visual inspections of inmates and inadequately  
3 monitoring and maintaining audio and visual monitoring systems. Plaintiff is  
4 informed and believes and based thereon alleges that notwithstanding Defendants  
5 Sniff, Di Yorio, Gutierrez, Shouse, Stone, and Wedel's knowledge of the inmate-  
6 on-inmate violence occurring within Riverside County jails, no efforts were made  
7 by any of the foregoing supervisory defendants to modify jail policies and  
8 procedures regarding the supervision of inmates or implement policies and  
9 procedures for the jails that would increase the ratio of deputies to inmates at  
10 Riverside jails; train and re-train deputies in how to supervise inmates; and/or  
11 train and re-train deputies on segregating violent inmates from vulnerable inmates.  
12 By failing to identify and petition for policy changes and/or implement changes to  
13 reduce or eliminate the occurrence of inmate-on-inmate violence in the jails,  
14 Defendants Sniff, Di Yorio, Gutierrez, Shouse, Stone, and Wedel knew that  
15 inmates would continue to be attacked and injured in the County of Riverside's  
16 jail system.

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24 79. County of Riverside jail employees, including, but not limited to  
25 Defendants Sheriff Sniff, Undersheriff Di Yorio, Assistant Sheriff Jerry Gutierrez,  
26 Captain Andrew Shouse, Stone, Sergeant Christopher Wedel, Deputy Jonathan  
27 Toan, Defendants Bell, Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez,  
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1 and other presently unascertained employees of the County of Riverside (Does 1  
2 to 100) all underwent Peace Officer Standards and Training (“POST”) prior to  
3  
4 working for the County of Riverside. As part of the POST Training, all of the  
5  
6 aforementioned defendants were trained in the POST “Victim Assessment”  
7  
8 learning domain that more harm can be done by moving a victim than the original  
9  
10 injury causing event. POST training standards therefore state – DO NOT MOVE  
11  
12 any injured victim unless absolutely necessary for scene safety, patient safety or  
13  
14 officer safety. POST training provides that only in cases of imminent danger (for  
15  
16 example, exposure to fire, toxic gas, etc.) should an injured victim be moved.  
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18 Additional POST training standards provide that if a victim must be moved  
19  
20 because of imminent danger, then the officer should keep the victim in a straight  
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22 line, keep the victim lying down and move the victim gently. The POST training  
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24 on “Basic Life Support” also provides that when dealing with suspected head,  
25  
26 neck or back injuries, the injury may not always be obvious and therefore, brain  
27  
28 and spinal cord damage should always be assumed by the officer.

22        80.        Under the Riverside County Sheriff’s Department of Corrections  
23  
24 Division Policy Manual (“Policy Manual”), Defendants Sheriff Sniff,  
25  
26 Undersheriff Di Yorio, Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse,  
27  
28 Stone and Sergeant Christopher Wedel, as supervisory officers, are responsible for  
providing first line supervision and for enforcing rules, regulations and policies

1 among members of their units. Plaintiff is informed and believes, and based  
2 thereon alleges, that the Policy Manual was in effect at the time of this incident  
3 involving Plaintiff David Manzo and that all County of Riverside jail staff  
4 including, but not limited to Defendants Sheriff Sniff, Undersheriff Di Yorio,  
5 Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Stone, Sergeant  
6 Christopher Wedel, Deputy Toan, Defendants Emeka, Young, Cortez, Bell,  
7 Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently  
8 unascertained employees of the County of Riverside (Does 1 to 100) reviewed and  
9 knew the contents of the Policy Manual prior to the date Plaintiff was injured.  
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14 81. The Policy Manual also provides that the sheriff reviews the work of  
15 the unit to ensure compliance with departmental policies and standards. The  
16 Policy Manual also provides that the assistant sheriff is to confer regularly with  
17 the sheriff on the implementation of policies, programs and procedures for the  
18 Sheriff's Department. Plaintiff is informed and believes and based thereon  
19 alleges, that Defendant Sniff, in collaboration with his Chief of Staff, Defendant  
20 Di Yorio, reviewed the work of the unit to determine whether it was being  
21 operated in compliance with departmental policies and procedures before the  
22 October 25, 2016 incident with Manzo and, despite finding instances of the unit  
23 failing to comply with departmental policies and procedures, Defendant Sniff  
24 nevertheless approved the work of the unit, thereby condoning or endorsing the  
25  
26  
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28

1 procedural violations.

2       82. Plaintiff is informed and believes that Defendants Di Yorio and  
3  
4 Gutierrez conferred with Defendant Sniff on the implementation of policies,  
5 programs and procedures for the Sheriff's Department in RPDC prior to the date  
6 that Manzo was injured, but that despite conferring about the unit failing to  
7 comply with departmental policies and procedures, Defendants Sniff, Di Yorio  
8 and Gutierrez nevertheless approved the work of the unit, thereby condoning or  
9 endorsing the procedural violations.  
10

11  
12       83. The Riverside County Sheriff's department is responsible for  
13 providing basic medical services to inmates in custody at all jails in the County  
14 under the U.S. Constitution, Penal Code section 6030 and CCR Title 15 section  
15 3350, et seq. The Sheriff has the ultimate responsibility under CCR Title 15,  
16 Article 11 section 1200 to provide medical services to inmates in accordance with  
17 certain guidelines.  
18

19  
20       84. The Riverside County Field Operations Manual governs field  
21 operations within the Riverside County Sheriff's Department. Pursuant to the  
22 Riverside County Field Operations Manual, only the Sheriff (Defendant Sniff)  
23 may approve Sheriff's Department policy, procedure, rules and regulations. The  
24 Sheriff shall take charge of and keep the County jail and the prisoners in it. As  
25 CEO of the Sheriff's Department, the sheriff must delegate and assign duties to  
26  
27  
28

1 other Departmental personnel.

2       85. Under the Sheriff's General Orders, Sergeants (Defendants Stone and  
3 Wedel) are supervisory officers and are responsible for providing first line  
4 supervision and for enforcing rules, regulations and policies among members of  
5 their units. Sergeants are charged with duties to assign, direct and supervise the  
6 work of deputy sheriffs, as well as to enforce policies, procedures, rules,  
7 regulations and directives among members of their unit or section. Supervisors  
8 are also required to ensure that members are adequately trained to perform their  
9 duties. Supervisors shall conduct personnel inspections of their subordinates on a  
10 weekly basis to ensure compliance with department policies and procedures.

15       86. The Sheriff's Captain (Defendant Shouse) is a Commander and is the  
16 top level of authority of a bureau or station and is responsible for its operation.  
17 The Sheriff's Captain plans, assigns, directs and supervises the work of all  
18 assigned law enforcement and clerical personnel, coordinates the work of the unit  
19 with others in the department and reviews the work of the unit to ensure  
20 compliance with department policy and standards. Captains must ensure that all  
21 members within their command receive training necessary to perform their duties.

25       87. The Assistant Chief to the Sheriff (Defendant Di Yorio) plans,  
26 directs, assigns and supervises the programs, procedures and personnel of a major  
27 functional division of the Sheriff's Department. The Assistant Chief assists the  
28

1 Sheriff in planning and developing all policies, programs and procedures of the  
2 Sheriff's Department, confers regularly with the Sheriff on the implementation of  
3 policies, programs, and procedures for the Department, recommends  
4 reorganizations as necessary and assists in the determination of Departmental  
5 needs in terms of program, personnel and equipment. The Assistant Chief also  
6 directs and evaluates investigations of public complaints pertaining to activities of  
7 employees of the Sheriff's Department, analyzes information and prepares reports,  
8 evaluates the performance of employees, the need for training of Department  
9 personnel, and personnel and equipment requirements.  
10  
11  
12  
13

14 88. Sheriff's Department personnel are not permitted to commit or omit  
15 any acts which constitute a violation of the policies, procedures, rules or  
16 regulations of the Sheriff's Department and are charged with responsibility  
17 pursuant to the General Orders to report violations by other members.  
18

19 89. Sheriff Deputies are charged with the responsibility to perform all  
20 tasks with consideration for personal safety and the safety of others. All deputies  
21 must obey all federal and state laws, federal and California state constitutions and  
22 all appropriate local laws, ordinances and case law to ensure effective  
23 performance of their duties.  
24  
25

26 90. The Sheriff's Department is required to adhere to the training  
27 requirements as set forth by the Commission on Peace Officers' Standards and  
28

1 Training (POST).

2 91. The Policy Manual relating to Inmate Medical Care provides that all  
3 persons detained in Riverside County correctional facilities shall be provided  
4 basic and emergency medical care and that corrections staff shall not interfere,  
5 delay, or deny an inmate's access to medical care. Emergent and Urgent Care  
6 provisions of the Policy Manual provide that any corrections staff member who  
7 discovers, or is told of, an inmate requiring medical assistance shall make every  
8 effort to find out the nature of the medical problem and whether or not it is a  
9 medical emergency. The Policy Manual provides that if it is an urgent or  
10 emergent medical condition, the staff member shall immediately notify central  
11 control, summon jail medical staff, and notify a sergeant. The Policy Manual also  
12 provides that corrections staff shall provide appropriate and timely response to  
13 medical emergencies consistent with officer safety, the staff member's training  
14 and the use of universal precautions.

15 92. Prior to working at the jail, all deputies, including the sergeants and  
16 captains must undergo training which includes the County of Riverside's policies  
17 regarding (a) monitoring inmates; (b) responding to events which could cause  
18 injury to inmates; and (c) training to summon medical care when an inmate  
19 appears to be in need of medical care. All deputies are required to undergo at  
20 least 24 hours of advanced officer training every year, which focuses on the duties

1 of deputies and the County's policies and procedures concerning the County jails.

2 93. Defendants Sniff, DiYorio, Gutierrez, Shouse, Stone, Wedel, Toan,  
3  
4 Bell, Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100  
5 were all charged and responsible for the supervision, care, security and safety of  
6 Plaintiff Manzo while he was housed at RPDC, and for ensuring that his  
7 constitutional and statutory rights were not violated. It was the duty and  
8 responsibility of these Defendants to supervise, monitor and protect inmates under  
9 their supervision and control, to ensure inmates did not harm other inmates, to  
10 maintain safety and security in the jail, and to report deputy wrongful conduct that  
11 results in the infliction of violence against an inmate or the deprivation of an  
12 inmate's constitutional and statutory rights.  
13

14 94. At the time that Plaintiff David Manzo was injured on October 25,  
15  
16 2016, Sergeant Christopher Wedel, Defendant Stone, Deputy Jonathan Toan,  
17  
18 Defendants Bell, Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and  
19  
20 other presently unascertained employees of the County of Riverside (Does 1 to  
21  
22 100) who were all present at the scene of the incident failed to comply with POST  
23 training standards and the Policy Manual by: failing to notify central control  
24 before moving Plaintiff David Manzo; failing to summon jail medical staff before  
25 moving Plaintiff; failing to notify appropriate superiors before moving Plaintiff;  
26  
27 failing to use universal precautions before moving Plaintiff; failing to perform  
28

1 appropriate first aid until relieved by jail medical or local emergency medical  
2 services staff; failing to evaluate Plaintiff's condition to determine the correct  
3 course of action to take; by moving and/or supervising the movement of Plaintiff  
4 David Manzo when the other inmates were already back in their cells and there  
5 was no need to move Plaintiff before a proper medical assessment could be  
6 performed; by not keeping Plaintiff in a straight line and/or supervising deputies  
7 while Plaintiff was moved.  
8  
9  
10

11 95. County of Riverside's failure to summon and render adequate  
12 medical care to inmates housed in the County jails, including RPDC was  
13 previously addressed in a class action lawsuit brought on behalf of County of  
14 Riverside jail inmates entitled *Quinton Gray v. County of Riverside*, Case No.:  
15 EDCV 13-0444 VAP, and filed on March 8, 2013 in the United States District  
16 Court for the Central District of California. In that case, County of Riverside  
17 entered a consent decree which was filed on June 7, 2016 wherein the County of  
18 Riverside agreed to implement remedial measures to address the failure to provide  
19 constitutionally adequate medical care to prisoners housed in County of Riverside  
20 jails. The remedial plan included, among other requirements: that "all health care  
21 staff shall provide community standard of care" in their respective roles; that  
22 emergency procedures are to be provided "immediately"; and that in the event of a  
23 medical emergency, the inmate will be seen by health care staff at an RN level or  
24  
25  
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1 higher “as soon as possible”.

2       96. Plaintiff is informed and believes and based thereon alleges that  
3  
4 Defendants Sniff, Di Yorio, Gutierrez, Shouse, Stone, Wedel and other presently  
5 unascertained employees of the County of Riverside (Does 1 to 100), knew or  
6  
7 should have known about the Consent Decree in the *Gray v. County of Riverside*  
8 case prior to the time Plaintiff was injured. Plaintiff further alleges on information  
9 and belief that Defendants Sniff, Di Yorio, Gutierrez, Shouse, Stone, Wedel and  
10  
11 other presently unascertained employees of the County of Riverside (Does 1 to  
12 100) knew or should have known based on the Consent Decree that the County of  
13  
14 Riverside was failing to provide minimally adequate medical and mental health  
15 care to the inmates incarcerated in Riverside County jails in violation of the  
16  
17 Eighth and Fourteenth Amendments to the U.S. Constitution as well as  
18 discrimination against certain inmates with disabilities in violation of the  
19 Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

20  
21       97. County of Riverside, Defendants Sniff, Di Yorio, Gutierrez, Shouse,  
22 Stone, Wedel and other presently unascertained employees of the County of  
23  
24 Riverside (Does 1 to 100) failed to implement the terms of the remedial plan set  
25 forth in the Consent Decree by failing to educate, train, supervise and oversee: (a)  
26 that all of the existing jail staff knew what is required to provide “community  
27  
28 standard of care”; and (b) that all jail staff knew how to recognize an emergency

1 and follow universally accepted emergency procedures and protocols when a  
2 medical emergency occurs.

3  
4 98. By failing to implement the remedial plan set forth in the Consent  
5 Decree, County of Riverside, Defendants Sniff, Di Yorio, Gutierrez, Shouse,  
6 Stone, Wedel and other presently unascertained employees of the County of  
7 Riverside (Does 1 to 100) knew or should have known that the rights of inmates in  
8 the County of Riverside jail system to receive constitutionally adequate medical  
9 care would be violated and that this deprivation of the inmates' rights would cause  
10 severe injury or even death.

11  
12  
13  
14 99. Defendants Sniff, Di Yorio, Gutierrez, Shouse, Stone, and Wedel  
15 knew, prior to Plaintiff being injured that RPDC was not in compliance with the  
16 terms of the Consent Decree and that RPDC was grossly understaffed.

17  
18 Defendants Sniff, Di Yorio, Gutierrez, Shouse, Stone, and Wedel knew prior to  
19 Plaintiff being injured that jail staff at RPDC were also inadequately trained.

20  
21 Defendants Sniff, Di Yorio, Gutierrez, Shouse, Stone, and Wedel knew, prior to  
22 Plaintiff being injured, that existing jail staff had undergone inadequately  
23 condensed training programs and that cheating on performance tests happened  
24 frequently in the Sheriff's Department. Plaintiff is informed and believes and  
25 based thereon alleges that cheating within the Riverside County Sheriff's  
26 Department was so prevalent that even after a 2015 internal affairs investigation  
27  
28

1 uncovered at least 25 employees attempting to cheat their way to a higher rank,  
2 none of the cheating employees were demoted or fired and some in fact received  
3 promotions. Plaintiff is informed and believes and based thereon alleges that  
4 Defendants Sniff, Di Yorio, Gutierrez, Shouse, Stone, and Wedel knew that by  
5 failing to bring Riverside jails into compliance with the Consent Decree, inmates'  
6 constitutional rights would continue to be violated. By failing to insist that jail  
7 staff undergo adequate, fully verified training, Defendants Sniff, Di Yorio,  
8 Gutierrez, Shouse, Stone, and Wedel thereby condoned the conduct, essentially  
9 favoring compliance over competency – but achieving neither in the process.  
10

11 100. Had County of Riverside, Defendants Sniff, Di Yorio, Gutierrez,  
12 Shouse, Stone, Wedel and other presently unascertained employees of the County  
13 of Riverside (Does 1 to 100) implemented the terms of the Remedial Plan and  
14 adequately supervised the jail staff, Defendants Stone, Wedel, Toan, Bell,  
15 Dominguez, Monzon, Bresyn, Griesinger, Mithcell, Perez, Emeka, Young, Cortez  
16 and other presently unascertained employees of the County of Riverside (Does 1  
17 to 100) would not have moved Plaintiff's body prior to the arrival of medical staff  
18 or EMS and/or would not have failed to intervene in the movement of Plaintiff's  
19 body in a manner that violates the Policy Manual, Consent Decree and POST  
20 standards.  
21  
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### **DAMAGES**

101. As a proximate result of Defendants' conduct, Plaintiff David Manzo suffered permanent paralysis of his four limbs resulting in pain and suffering, past and future medical expenses, past and future wage loss, and past and future lost earning capacity.

102. Plaintiff has found it necessary to engage the services of counsel to vindicate his rights under the law. Plaintiff is therefore entitled to an award of all attorneys' fees and litigation costs incurred in pursuing this action for violation of civil rights.

## First Claim

## Violation of 42 U.S.C. §1983

## Deliberate Indifference to Serious Medical Needs

**By David Manzo against Defendants Wedel, Stone, Toan, Emeka, Young, Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently unascertained employees of the County of Riverside (Does 1 to 100)**

103. Plaintiff David Manzo realleges and incorporates by reference paragraphs 1-102 of this complaint.

104. On October 25, 2016, Manzo had a serious medical need in that he had been injured in a fight with a known, violent inmate and was lying on the floor of Dayroom 1, 5A requiring medical attention.

105. Manzo, as a pretrial detainee had a constitutional right under the 14th Amendment to receive medical care and to be free from cruel and unusual punishment under the due process clause of the 14<sup>th</sup> Amendment.

1           106. Defendants Wedel, Stone, Toan, Emeka, Young, Cortez, Bell,  
2 Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently  
3 unascertained employees of the County of Riverside (Does 1 to 100) violated  
4 Manzo's constitutional right to medical care when they acted with deliberate  
5 indifference to Manzo's serious medical needs by failing to promptly summon  
6 medical care when it was evident Manzo had an immediate need for medical care  
7 and by improperly manhandling Manzo's body from the floor without using any  
8 universally accepted spinal or medical precautions.

12           107. At all times, Defendants Wedel, Stone, Toan, Emeka, Young,  
13 Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other  
14 presently unascertained employees of the County of Riverside (Does 1 to 100)  
15 were acting under color of law and were acting in the course and scope of their  
16 employment with County of Riverside.

19           108. At all times, Defendants Wedel, Stone, Toan, Emeka, Young,  
20 Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other  
21 presently unascertained employees of the County of Riverside (Does 1 to 100)  
22 knew that Manzo had a serious medical need.

25           109. At all times, Defendants Wedel, Stone, Toan, Emeka, Young,  
26 Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other  
27 presently unascertained employees of the County of Riverside (Does 1 to 100),  
28

1 failed to take reasonable action to summon immediate medical care; failed to  
2 provide appropriate assessment and evaluation of Manzo's injuries; failed to  
3 follow basic, universally accepted emergency medical protocols; failed to follow  
4 Riverside County Sheriff standard emergency medical procedures and policies, as  
5 well as POST training procedures; failed to provide adequate observation and  
6 medical intervention for Manzo's serious medical needs; seriously aggravated  
7 Manzo's medical condition by authorizing and/or participating in the moving,  
8 dragging, and careless manipulation of Manzo's body after he suffered serious  
9 injuries; delayed in providing appropriate care and treatment of Manzo's injuries  
10 and interfered with Manzo receiving appropriate medical treatment, all of which  
11 deprived Manzo of his constitutional right to receive medical care and to be free  
12 from cruel and unusual punishment.  
13  
14  
15  
16  
17

18           110.       At all times, Defendants Wedel, Stone, Toan, Emeka, Young,  
19 Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other  
20 presently unascertained employees of the County of Riverside (Does 1 to 100)  
21 knew or should have known that by failing to stabilize Manzo's spine prior to  
22 moving his body out of the jail, Manzo could and would suffer severe spinal cord  
23 injuries, including, paralysis, and that it would cause Manzo unnecessary and  
24 wanton infliction of pain. When Defendants extracted Manzo from the jail floor,  
25 they moved his body without spinal or medical precautions, attempting to lift him  
26  
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up at least five (5) times without success and eventually, transported him out of the jail only in a wheelchair. All of this conduct was done before Plaintiff had ever received a medical assessment and the failure to provide a medical assessment first, before moving Plaintiff, interfered with, delayed and denied Plaintiff constitutionally adequate medical care and was a direct and proximate cause of Plaintiff being rendered a quadriplegic.

111. Throughout the entire time deputies were manhandling Manzo's body, Defendant Wedel, and Defendant Stone, as supervising sergeants, stood by with their hands in their pockets, and did nothing to discipline, instruct, intervene or stop the conduct of their subordinates from causing further, catastrophic, permanent injury to Manzo, despite knowing that Manzo had a serious and immediate medical need.

112. Defendants Wedel, Stone, Toan, Emeka, Young, Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently unascertained employees of the County of Riverside (Does 1 to 100) were deliberately indifferent to Manzo's serious medical needs.

113. Defendants Wedel, Stone, Toan, Emeka, Young, Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently unascertained employees of the County of Riverside (Does 1 to 100) intentionally or with reckless disregard, denied, delayed, and/or interfered with Manzo's receipt

1 of medical care.

2 114. Defendants Wedel, Stone, Toan, Bell, Dominquez, Monzon, Bresyn,  
3  
4 Griesinger, Mitchell, Perez and other presently unascertained employees of the  
5 County of Riverside (Does 1 to 100) failed to properly conduct safety checks of  
6 the dayroom to verify an inmate's safety and welfare.  
7

8 115. Defendant Toan admitted in declarations in support of arrest warrants  
9 for inmates Sanchez and Lunsted that he saw inmates Sanchez and Lunsted  
10 "attacking" Plaintiff David Manzo. Plaintiff is informed and believes and based  
11 thereon alleges that Defendant Toan witnessed the entire attack of Manzo by  
12 inmates Sanchez and Lunsted, which went on for several minutes. Defendant  
13 Toan did nothing to stop the threatening conduct being made by inmate Sanchez  
14 against Plaintiff before it escalated into full-blown physical violence against  
15 Plaintiff David Manzo. Both inmates Sanchez and Lunsted began punching  
16 Plaintiff and Defendant Toan watched it happen. Defendant Toan witnessed  
17 Plaintiff being punched in the *head* several times by both inmates Sanchez and  
18 Lunsted, yet, Defendant Toan did not promptly summon medical care to assess  
19 Plaintiff's head injuries. Defendants Wedel, Stone, Bell, Dominguez, Monzon,  
20 Bresyn Griesinger, Mitchell, Perez and Does 1 to 100 all knew or should have  
21 known that the fight was occurring and that Plaintiff had been hit in the head  
22 several times and required medical attention. Had Defendants Toan, Wedel,  
23  
24  
25  
26  
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28

1 Stone, Bell, Dominguez, Monzon, Bresyn Griesinger, Mitchell, Perez and Does 1  
 2 to 100 intervened to stop the threatening conduct exhibited by other inmates  
 3 against Plaintiff prior to the situation escalating into physical violence against  
 4 Plaintiff, Plaintiff would not have suffered head injuries from being punched in  
 5 the head several times by two inmates and Plaintiff would not have suffered even  
 6 more significant bodily injury by being taken to the ground by inmate Sanchez.  
 7 Defendants Toan, Wedel, Stone, Bell, Dominguez, Monzon, Bresyn Griesinger,  
 8 Mitchell, Perez and Does 1 to 100 acted with deliberate indifference to Plaintiff's  
 9 serious medical needs both at the time they saw Plaintiff being punched in the  
 10 head by two other inmates repeatedly and when they saw inmate Sanchez take  
 11 Plaintiff to the ground causing further serious bodily injury to Plaintiff and when  
 12 they saw that Plaintiff had a head injury immediately after entering the dayroom.

13  
 14  
 15  
 16  
 17  
 18 116. As a direct and proximate result of the foregoing acts and  
 19 omissions that were deliberately indifferent to Manzo's serious medical needs,  
 20 Manzo suffered severe harm in that he was rendered a quadriplegic during his  
 21 extraction from the jail.

22  
 23  
 24 117. As a further direct and proximate result of the foregoing conduct,  
 25 Manzo suffered physical pain, severe emotional distress, and mental anguish.  
 26 Manzo is no longer able to care for his own needs including, toileting, bathing and  
 27 feeding and will require 24-hour round the clock medical care and treatment for  
 28

1 the remainder of his life.

2 118. The conduct alleged herein was done in deliberate or reckless  
3  
4 disregard of Manzo's constitutionally protected rights, justifying an award of  
5 exemplary damages against Defendants Wedel, Stone, Toan, Emeka, Young,  
6  
7 Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other  
8 presently unascertained employees of the County of Riverside (Does 1 to 100) in  
9 an amount according to proof at the time of trial in order to deter Defendants from  
10  
11 engaging in similar conduct and to make an example by way of monetary  
12 punishment. Manzo is also entitled to attorney fees and costs of suit herein.

### 13 Second Claim

#### 14 **Violation of 42 U.S.C. §1983**

#### 15 **Failure to Protect & Cruel and Unusual Punishment – 14<sup>th</sup> Amendment** 16 **By David Manzo against Defendants Wedel, Stone, Toan, Bell, Dominquez,** 17 **Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently** 18 **unascertained employees of the County of Riverside (Does 1 to 100)**

19 119. Plaintiff David Manzo realleges and incorporates by reference  
20  
21 paragraphs 1-118 of this complaint.

22 120. Manzo was incarcerated at RPDC under conditions that posed a  
23  
24 substantial risk of serious harm to his health and safety, which were known to  
25 Defendants Wedel, Stone, Toan, Bell, Dominquez, Monzon, Bresyn, Griesinger,  
26 Mitchell, Perez and other presently unascertained employees of the County of  
27  
28 Riverside (Does 1 to 100). Such conditions included:

- 1 (a) Placing Manzo, who suffered from mental health conditions, including  
2 schizophrenia, in a dayroom where Defendant Sanchez could interact with  
3 him. Defendant Sanchez was a known, violent inmate who had inflicted  
4 violence upon other inmates multiple times prior to the date that he attacked  
5 Manzo;  
6  
7 (b) Failing to assign sufficient Sheriff's deputies to the RPDC in order to  
8 provide adequate monitoring and supervision of the inmates;  
9  
10 (c) Causing and permitting the RPDC to be overcrowded, which contributed to  
11 causing inmate on inmate violence;  
12  
13 (d) Failing to properly train the Sheriff's deputies assigned to the RPDC so  
14 that the deputies did not have sufficient knowledge or skills to adequately  
15 monitor and supervise the inmates;  
16  
17 (e) Failing to follow standard operating procedures regarding the performance  
18 of physical visual inspections of the dayrooms at RPDC;  
19  
20 (f) Placing Manzo in the dayroom with other inmates under circumstances  
21 which were conducive to the eruption of violence; and  
22  
23 (g) Failing to timely intervene to stop the attack by Defendants Sanchez and  
24 Lunsted against Manzo.  
25

26 121. Defendants Wedel, Stone, Toan, Bell, Dominquez, Monzon,  
27 Bresyn, Griesinger, Mitchell, Perez and other presently unascertained employees  
28

1 of the County of Riverside (Does 1 to 100), had ample and reasonably sufficient  
2 time and opportunity to intervene and prevent Manzo's injuries, and were  
3  
4 compelled to do so as Sheriff's deputies under the laws of the State of California  
5 and under the Constitution of the United States of America.

6  
7 122. In deliberate indifference to the life and welfare of Manzo, each  
8 said Defendant intentionally and with deliberate indifference to the civil rights of  
9 Manzo, refrained from intervening in the acts leading to Manzo's injuries.

10  
11 123. In doing the acts complained of, Defendants Wedel, Stone, Toan,  
12 Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other  
13 presently unascertained employees of the County of Riverside (Does 1 to 100),  
14 acted under the color of state law to deprive Manzo of certain constitutionally  
15 protected rights including, but not limited to, the right not to be deprived of life or  
16 liberty without due process of law, as guaranteed by the Fourteenth Amendment  
17 to the United States Constitution, the right to be free from violence at the hands of  
18 another inmate and the right to be free from cruel and unusual punishment under  
19 the due process clause of the Fourteenth Amendment to the U.S. Constitution.

20  
21 124. The above acts and omissions, while carried out under color of  
22 law, have no justification or excuse in law, and instead constitute a gross abuse of  
23 governmental authority and power, shock the conscience, are fundamentally  
24 unfair, arbitrary and oppressive and unrelated to any activity which governmental

1 officers may appropriately and legally undertake in the course of protecting  
 2 persons or property or ensuring civil order.

3  
 4 125. In acting or failing to act as hereinabove alleged, the  
 5 aforementioned Defendants were deliberately indifferent to the substantial risk  
 6 that Sanchez would assault and severely injure Manzo.  
 7

8 126. As a proximate result of the aforementioned wrongful conduct,  
 9 Manzo suffered injuries and damages as set forth herein, including, being  
 10 rendered a quadriplegic.  
 11

12 127. The conduct of Defendants Wedel, Stone, Toan, Bell, Dominquez,  
 13 Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently unascertained  
 14 employees of the County of Riverside (Does 1 to 100), was intentional, malicious,  
 15 willful, wanton and in reckless disregard of Manzo's constitutional rights and/or  
 16 grossly negligent in that this conduct shocks the conscience and is fundamentally  
 17 offensive to a civilized society, so as to justify the imposition of punitive damages  
 18 against each of the foregoing individual respondents.  
 19  
 20  
 21

### 22 **Third Claim**

#### 23 **Violation of 42 U.S.C. §1983**

#### 24 **Failure to Properly Train**

25 **By David Manzo against Defendants County of Riverside, Sniff, Di Yorio,**  
 26 **Gutierrez, Shouse, Wedel, Stone and other presently unascertained**  
 27 **supervisory employees of the County of Riverside (Does 1 to 100)**

28 128. Plaintiff David Manzo realleges and incorporates by reference

1 paragraphs 1-127 of this complaint.

2           129. This claim is brought pursuant to 42 USC § 1983 for violation of  
3  
4 plaintiff's rights under the Fourth and Fourteenth Amendments to the U.S.  
5 Constitution.

6           130. Defendant Sniff, as Sheriff of Riverside County is responsible, by  
7  
8 law for inmate safety and is answerable for an inmate's safekeeping, including  
9  
10 Plaintiff Manzo. Sniff is also charged by law and is responsible for the  
11  
12 administration of the Riverside County Sheriff's Department and its employees  
13  
14 and for supervision, training and hiring of persons, agents and employees working  
15  
16 for the Riverside County Sheriff's Department. Sniff is sued in his  
17  
18 personal/individual capacity for his own culpable action or inaction in the training,  
19  
20 supervision, or control of his subordinates, or for his acquiescence in the  
21  
22 constitutional deprivations alleged herein. Sniff's affirmative conduct involves  
23  
24 his failure to ensure enforcement of policies, rules, or directives that set in motion  
25  
26 a series of acts by others which he knew or reasonably should have known would  
27  
28 cause others to inflict the constitutional injuries alleged herein.

29           131. Sniff knew, or reasonably should have known of his subordinates'  
30  
31 ongoing constitutional violations, of the failure to provide reasonable security at  
32  
33 RPDC, the failure to prevent inmate on inmate violence, the failure to monitor  
34  
35 inmates, lax or no supervision by his subordinate supervisors, failure to

1 investigate incidents involving inmate-on-inmate violence, failure to implement  
2 policies and procedures regarding how deputies are to handle situations involving  
3 injured inmates after an inmate-on-inmate attack, in particular, failing to  
4 implement and ensure compliance with the procedure that injured inmates are not  
5 to be moved before jail medical staff have assessed the injured inmate's condition.  
6 Sniff acquiesced, condoned or ratified a custom, practice or policy of ongoing  
7 misconduct by his subordinate deputies and supervisors.

11 132. Defendants Di Yorio, Gutierrez, Shouse, Wedel and Stone all have  
12 supervisory responsibilities with the Riverside County Sheriff's Department and  
13 were charged by law and were responsible for the administration of RPDC, its  
14 deputies, for training and supervising officers and deputies of RPDC, for ensuring  
15 compliance with department policies and procedures and enforcing department  
16 policies and procedures. Defendants Di Yorio, Gutierrez, Shouse, Wedel and  
17 Stone are sued based on their personal/individual actions or inactions in the  
18 training, supervision, or control of their subordinates, or for their acquiescence in  
19 the constitutional deprivations alleged herein with respect to the inmates at RPDC,  
20 including Plaintiff, for whom they were charged to provide security and safety.  
21 Defendants Di Yorio, Gutierrez, Shouse, Wedel and Stone failed to ensure  
22 enforcement of policies, rules or directives that set in motion a series of acts by  
23 others which they knew or reasonably should have known would cause others to  
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1 inflict constitutional injury on Plaintiff.

2           133. Plaintiff is informed and believes and based thereon alleges that prior  
3  
4 to the incident alleged herein, Sniff, Di Yorio, Gutierrez, Shouse, Wedel and  
5 Stone knew, or should have known, based on the high number of inmate-on-  
6 inmate attacks occurring at RPDC on the 5<sup>th</sup> floor, which were reported to them,  
7 that deputies at RPDC were not fulfilling their duties in supervising inmates and  
8 ensuring the protection of inmates from violence at the hands of other inmates.  
9  
10 Sniff, Di Yorio, Gutierrez, Shouse, Wedel and Stone knew, or should have known  
11 that if they did not take action to train and re-train deputies regarding their duties  
12 to protect inmates, that additional constitutional violations would occur and  
13 additional inmates, like Plaintiff, would suffer serious bodily injuries. Sniff, Di  
14 Yorio, Gutierrez, Shouse, Wedel and Stone knew, or should have known that if  
15 they did not take action to ensure all deputies were complying with jail policy not  
16 to move an injured victim before medical staff assess the victim's injuries, then  
17 additional constitutional violations to inmates would occur. Sniff, Di Yorio,  
18 Gutierrez, Shouse, Wedel and Stone knew, or should have known from the Crime  
19 Study (approximately 200 reported instances of inmate-on-inmate violence within  
20 a one year period) that RPDC's 5<sup>th</sup> floor required deputies to maintain greater  
21 supervision of inmates due to their proclivity for violence and that the mental  
22 health condition of certain inmates (like Plaintiff) increased the vulnerability of  
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1 inmates housed on the 5<sup>th</sup> floor allowing them to be the target of attacks by other  
2 violent inmates. Sniff, Di Yorio, Gutierrez, Shouse, Wedel and Stone knew, or  
3  
4 should have known that by training and re-training deputies regarding performing  
5 frequent safety checks, dayroom inspections to watch for threatening  
6  
7 conduct/behavior by inmates and segregating violent inmates from vulnerable  
8 inmates, violence on the 5<sup>th</sup> Floor of RPDC could be eliminated and the safety and  
9  
10 security of inmates housed on the 5<sup>th</sup> floor would be ensured. Rather than re-train  
11 deputies or implement new policies and procedures for supervising inmates on the  
12 5<sup>th</sup> floor of RPDC, Sniff, Di Yorio, Gutierrez, Shouse, Wedel and Stone  
13  
14 acquiesced in the manner in which safety checks, dayroom inspections and  
15 housing classification and interaction of inmates at the jail were being performed.  
16  
17 Said Defendants also condoned, by ignoring and failing to report jail staff who  
18 were taking condensed training sessions in violation of jail policy and/or cheating  
19  
20 on performance tests -with the knowledge that inadequate training would render  
21 jail staff incompetent and unable to properly carryout their duties to protect  
22 inmates. By their inaction in training and re-training deputies, Sniff, Di Yorio,  
23  
24 Gutierrez, Shouse, Wedel and Stone allowed constitutional deprivations to  
25  
26 continue. Sniff, Di Yorio, Gutierrez, Shouse, Wedel and Stone's inaction in  
27  
28 training and re-training deputies led to the very type of constitutional deprivations  
plaintiff suffered here, namely, had Sniff, Di Yorio, Gutierrez, Shouse, Wedel and

1 Stone trained and re-trained deputies on conducting more frequent safety  
2 inspections, dayroom inspections and monitoring/segregation of violent inmates  
3 from vulnerable inmates, Plaintiff would not have been attacked by Sanchez and  
4 Lunsted; the attack would have been halted before it escalated into full-blown  
5 violence; Plaintiff's head injury from being punched by inmates Sanchez and  
6 Lunsted would have been discovered and medical care provided to Plaintiff before  
7 Sanchez took Plaintiff to the ground; and Plaintiff would not have suffered  
8 paralysis when deputies picked him up before medical staff examined Plaintiff's  
9 condition.  
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14 134. As a direct and proximate result of Sniff, Di Yorio, Gutierrez,  
15 Shouse, Wedel and Stone's failure to train and re-train, Plaintiff was seriously  
16 injured and suffered damages in an amount to be proven at trial. Sniff, Di Yorio,  
17 Gutierrez, Shouse, Wedel and Stone's inaction to train or re-train deputies is  
18 acquiescence to the unconstitutional conduct of lower level employees and  
19 constitutes a custom and practice and was the moving force behind Plaintiff's  
20 injuries, all of which evidences a policy of deliberate indifference on the part of  
21 Sniff, Di Yorio, Gutierrez, Shouse, Wedel and Stone to their deputies'  
22 misconduct.  
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26 135. Defendant County, based on the Crime Study which was reported to  
27 the County through its individual employees, and based on the *Gray* lawsuit and  
28

1 the *Soriano* lawsuit in which County was a named defendant, knew, or should  
2 have known that its training programs were inadequate and were failing to correct  
3 repeated constitutional violations of inmates' rights at RPDC, in particular that  
4 deputies were failing to protect inmates from violence at the hands of other  
5 inmates and that deliberate indifference to the medical needs of inmates occurred  
6 with frequency, causing substantial harm to inmates housed in the County jails.  
7 Based on the prior reported instances of violence and lack of adequate medical  
8 care, it was obvious to the County that changes in training and re-training were  
9 necessary to avoid further constitutional violations. Despite having notice of these  
10 repeated constitutional violations of inmates' rights, County took no action to train  
11 or re-train supervisors and their lower level employees in how to protect an inmate  
12 from violence or how an injured victim's body should be handled so as to avoid  
13 delayed or denied access to medical care when an inmate is in serious need of  
14 medical attention. The many instances of prior violence at RPDC (200+ cases in a  
15 one year time span) and certification of a class of inmates housed in County jails  
16 alleging deliberate indifference to medical needs evidences a pattern of  
17 misconduct, all of which was known, or should have been known by County prior  
18 to Plaintiff's incident. County's policy of inaction in light of the notice it had  
19 regarding its defective or improperly implemented programs is the functional  
20 equivalent of a decision/policy/custom/practice of the County to violate the  
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1 constitutional rights of inmates housed in County jails. County disregarded the  
2 likelihood that more inmates would be injured by taking no action to train or re-  
3 train jail staff in ways in which to protect inmates from violence at the hands of  
4 other inmates and/or responding to the medical needs of injured inmates.  
5 County's policy of inaction on these issues amounts to deliberate indifference to  
6 the constitutional rights of inmates housed in County's jails, including Plaintiff's  
7 constitutional rights.

11 136. Had County taken action to train or re-train its staff regarding  
12 protection of inmates, conducting more frequent safety checks, dayroom  
13 inspections, segregation of violent inmates from vulnerable inmates and the  
14 appropriate way to handle the bodies of injured inmates in a manner consistent  
15 with POST training and the stated policies of the County jails, Plaintiff's injuries  
16 would not have occurred. County acted with deliberate indifference in failing to  
17 train or re-train employees, knowing that its failure to do so would result in more  
18 constitutional deprivations.

22 137. As a direct and proximate result of County's inadequate training and  
23 its failure to train and re-train employees of the Riverside County Sheriff's  
24 Department, Plaintiff was seriously injured and suffered damages in an amount to  
25 be proven at trial.

28 138. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez,

1 Shouse, Wedel, Stone and other presently unascertained employees of the County  
 2 of Riverside (Does 1 to 100) acting under color of law, have subjected Manzo and  
 3 other persons similarly situated to a pattern of conduct consisting of continuing,  
 4 widespread and unconstitutional misconduct in violation of Manzo's Fourth  
 5 amendment and 14<sup>th</sup> amendment due process rights. Defendants County of  
 6 Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone and other presently  
 7 unascertained employees of the County of Riverside (Does 1 to 100), while acting  
 8 under color of law, have failed to maintain adequate and proper training necessary  
 9 to educate deputies and medical staff as to the Constitutional rights of inmates; to  
 10 prevent the consistent and systematic failure to provide medical care; and to train  
 11 their deputies properly on basic medical procedures, emergency procedures,  
 12 welfare or cell checks. There has been an official policy of acquiescence in the  
 13 wrongful conduct. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez,  
 14 Shouse, Wedel, Stone and other presently unascertained employees of the County  
 15 of Riverside (Does 1 to 100), have failed to promulgate corrective policies and  
 16 regulations in the face of repeated constitutional violations like the failure to  
 17 provide constitutionally adequate medical care to inmates as set forth in the  
 18 *Quinton Gray v. County of Riverside* case and like the failure to protect inmates  
 19 from violence at the hands of other inmates as occurred in the *Eddy Soriano v.*  
 20 *County of Riverside* case and the 208 instances of inmate-on-inmate violence

1 analyzed in the RPDC Crime Study.

2           139. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez,  
3  
4 Shouse, Wedel, Stone and other presently unascertained employees of the County  
5 of Riverside (Does 1 to 100), have also failed to supervise and insure that deputies  
6 fulfill their full 12 hours of advanced officer medical training, instead allowing  
7 condensed versions of the classes, and allowed deputies and trainers to sign under  
8 penalty of perjury that they completed their full 12 hour classes and passed their  
9 exams when Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse,  
10 Wedel, Stone and other presently unascertained employees of the County of  
11 Riverside (Does 1 to 100), knew, or should have known, that deputies had not  
12 complied with their medical training requirements and that the lack of medical  
13 training would result in violations of the civil rights of inmates to receive  
14 constitutionally adequate medical care.

15  
16           140. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez,  
17  
18 Shouse, Wedel, Stone and other presently unascertained employees of the County  
19 of Riverside (Does 1 to 100), have acted with deliberate indifference in  
20 disregarding their duty to protect the public from official misconduct. The failure  
21 to promulgate or maintain and ensure compliance with constitutionally adequate  
22 training as required by POST ("Peace Officer Standards and Training")  
23 certification was done with deliberate indifference to the rights of Manzo and  
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1 others in his position. Despite their knowledge of previous instances of  
2 inadequate and improper medical responses to serious medical needs of inmates  
3 housed in the Riverside County jail system, Defendants County of Riverside,  
4 Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone and other presently  
5 unascertained employees of the County of Riverside (Does 1 to 100), failed to  
6 properly train or retrain their deputies and medical staff to prevent serious harm to  
7 inmates and acquiesced in, and ratified, insufficient medical training of the  
8 deputies, knowing that such inadequate training put the health and safety of  
9 inmates at RPDC in jeopardy. The foregoing defendants knew or it should have  
10 been obvious that inadequate training would result in the deprivation of Manzo's  
11 14<sup>th</sup> amendment right to due process.

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17 141. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse,  
18 Wedel, Stone and other presently unascertained employees of the County of  
19 Riverside (Does 1 to 100) knew that the policies they had implemented with  
20 respect to medical care of inmates suffering from serious injuries was grossly  
21 inadequate. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse,  
22 Wedel, Stone and other presently unascertained employees of the County of  
23 Riverside (Does 1 to 100) knew there were disproportionately high levels of  
24 inmate-on-inmate violence occurring in Riverside County jails and the 5<sup>th</sup> floor of  
25 RPDC in particular. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez,  
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1 Shouse, Wedel, Stone and other presently unascertained employees of the County  
2 of Riverside (Does 1 to 100) acted with deliberate indifference in failing to  
3  
4 implement policies with respect to evaluation and treatment of inmates suffering  
5 from severe injuries and in failing to implement policies that would reduce or  
6  
7 eliminate the chronic, frequent inmate-on-inmate violence occurring on the 5<sup>th</sup>  
8 floor of RPDC.

9  
10 142. Defendants Toan, Bell, Dominguez, Monzon, Emeka, Young, Cortez,  
11 Bresyn, Griesinger, Mitchell, Perez and presently unascertained employees of the  
12 County of Riverside (Does 1 to 100) acted under the direction and supervision of  
13  
14 Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone  
15 and other presently unascertained employees of the County of Riverside (Does 1  
16 to 100), who set forth the standards, policies and procedures on treatment of  
17  
18 inmates and protection of inmates.

19  
20 143. At the time of the incident, Defendants Toan, Stone, Wedel, Bell,  
21 Dominguez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 all  
22 moved or acquiesced in the movement of Plaintiff's body when he was laying  
23  
24 injured on the jail floor, bleeding from his head. The aforementioned ten (10)  
25 defendants all reacted similarly to Plaintiff's medical emergency by not following  
26 policies and procedures by moving and/or acquiescing in the movement of  
27  
28 Plaintiff's body prior to the arrival of jail medical staff, thereby causing and/or

1 contributing to Plaintiff's catastrophic spinal cord injury. The fact that all 10 jail  
2 staff reacted similarly is clear evidence that there is a systemic problem in the  
3 manner in which they have all been trained to respond to medical emergencies  
4 involving injured inmates. Despite the fact that all deputies at the jail must be  
5 trained in how to summon medical care and how to respond to events which cause  
6 injury to inmates (like inmate-on-inmate violence) not a single one of the 10 jail  
7 staff on scene - both immediately before and after Plaintiff was taken to the  
8 ground by Sanchez – properly followed and carried out the jail procedure that  
9 required them not to move Plaintiff's body until he was assessed by medical staff.  
10

11  
12 144. The foregoing lack of adequate training was done with deliberate  
13 indifference and caused Manzo harm at the hands of Defendants Toan, Bell,  
14 Dominguez, Monzon, Emeka, Young, Cortez, Bresyn, Griesinger, Mitchell, Perez  
15 and presently unascertained employees of the County of Riverside (Does 1 to 100)  
16 when they man-handled Manzo's body and/or failed to intervene to stop the  
17 manhandling of Manzo's body without the use of universally accepted emergency  
18 medical protocols and spinal precautions, thereby rendering Manzo a  
19 quadriplegic.  
20

21 145. As a result of Defendants County of Riverside, Sniff, Di Yorrio,  
22 Gutierrez, Shouse, Wedel, Stone and other presently unascertained employees of  
23 the County of Riverside (Does 1 to 100) failure to train, the foregoing defendants  
24

1 were deliberately indifferent to Manzo's medical needs.

2 146. As a direct and proximate result of the actions of Defendants County  
3 of Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone and other presently  
4 unascertained employees of the County of Riverside (Does 1 to 100), Manzo  
5 suffered unconstitutional treatment and inhumane conditions while in RPDC as  
6 well as significant physical and psychological injuries. Manzo is no longer able to  
7 care for his own needs including, toileting, bathing and feeding and will require  
8 24-hour round the clock medical care and treatment for the remainder of his life.  
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#### 12 **Fourth Claim**

#### 13 **Violation of 42 U.S.C. §1983**

#### 14 **Failure to Supervise**

15 **By David Manzo against County of Riverside, Sniff, Di Yorio, Gutierrez,**  
16 **Shouse, Stone, Wedel and other presently unascertained employees of the**  
17 **County of Riverside (Does 1 to 100)**

18 147. Plaintiff David Manzo realleges and incorporates by reference  
19 paragraphs 1-146 of this complaint.  
20

21 148. This claim is brought pursuant to 42 USC § 1983 for violation of  
22 plaintiff's rights under the Fourth and Fourteenth Amendments to the U.S.  
23 Constitution.  
24

25 149. Defendant Sniff, as Sheriff of Riverside County is responsible, by  
26 law for inmate safety and is answerable for an inmate's safekeeping, including  
27 Plaintiff Manzo. Sniff is also charged by law and is responsible for the  
28

1 administration of the Riverside County Sheriff's Department and its employees  
2 and for supervision of agents and employees working for the Riverside County  
3 Sheriff's Department. Sniff is sued in his personal/individual capacity for his own  
4 culpable action or inaction in the supervision or control of his subordinates, or for  
5 his acquiescence in the constitutional deprivations alleged herein. Sniff's  
6 affirmative conduct involves his failure to ensure enforcement of policies, rules,  
7 or directives that set in motion a series of acts by others which he knew or  
8 reasonably should have known would cause others to inflict the constitutional  
9 injuries alleged herein.  
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14 150. Sniff knew, or reasonably should have known of his subordinates'  
15 ongoing constitutional violations, of the failure to provide reasonable security at  
16 RPDC, the failure to prevent inmate on inmate violence, the failure to monitor  
17 inmates, lax or no supervision by his subordinate supervisors, failure to  
18 investigate incidents involving inmate-on-inmate violence, failure to implement  
19 policies and procedures regarding how deputies are to handle situations involving  
20 injured inmates after an inmate-on-inmate attack, in particular, failing to  
21 implement and ensure compliance with the procedure that injured inmates are not  
22 to be moved before jail medical staff have assessed the injured inmate's condition.  
23 Sniff acquiesced, condoned or ratified a custom, practice or policy of ongoing  
24 misconduct by his subordinate deputies and supervisors.  
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1           151. Defendants Di Yorio, Gutierrez, Shouse, Wedel and Stone all have  
2 supervisory responsibilities with the Riverside County Sheriff's Department and  
3  
4 were charged by law and were responsible for supervising officers and deputies of  
5 RPDC, for ensuring compliance with department policies and procedures and  
6 enforcing department policies and procedures. Defendants Di Yorio, Gutierrez,  
7 Shouse, Wedel and Stone are sued based on their personal/individual actions or  
8 inactions in the supervision or control of their subordinates, or for their  
9  
10 acquiescence in the constitutional deprivations alleged herein with respect to the  
11 inmates at RPDC, including Plaintiff, for whom they were charged to provide  
12 security and safety. Defendants Di Yorio, Gutierrez, Shouse, Wedel and Stone  
13 failed to ensure enforcement of policies, rules or directives that set in motion a  
14 series of acts by others which they knew or reasonably should have known would  
15 cause others to inflict constitutional injury on Plaintiff.  
16  
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19           152. Plaintiff is informed and believes and based thereon alleges that prior  
20 to the incident alleged herein, Sniff, Di Yorio, Gutierrez, Shouse, Wedel and  
21 Stone knew, or should have known, based on the high number of inmate-on-  
22 inmate attacks occurring at RPDC on the 5<sup>th</sup> floor, which were reported to them,  
23 that deputies at RPDC were not fulfilling their duties in supervising inmates and  
24 ensuring the protection of inmates from violence at the hands of other inmates.  
25 Sniff, Di Yorio, Gutierrez, Shouse, Wedel and Stone knew, or should have known  
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1 that if they did not take action to properly supervise deputies regarding their duties  
2 to protect inmates, that additional constitutional violations would occur and  
3 additional inmates, like Plaintiff, would suffer serious bodily injuries. Sniff, Di  
4 Yorio, Gutierrez, Shouse, Wedel and Stone knew, or should have known that if  
5 they did not take action to supervise and ensure all deputies were complying with  
6 jail policy not to move an injured victim before medical staff has assessed the  
7 victim's injuries, then additional constitutional violations to inmates would occur.  
8 Sniff, Di Yorio, Gutierrez, Shouse, Wedel and Stone knew, or should have known  
9 from the Crime Study (approximately 200 reported instances of inmate-on-inmate  
10 violence within a one year period) that RPDC's 5<sup>th</sup> floor required deputies to  
11 maintain greater supervision of inmates due to their proclivity for violence and  
12 that the mental health condition of certain inmates (like Plaintiff) increased the  
13 vulnerability of inmates housed on the 5<sup>th</sup> floor to be the target of attacks by  
14 violent inmates. Sniff, Di Yorio, Gutierrez, Shouse, Wedel and Stone knew, or  
15 should have known that by closely supervising deputies regarding their safety  
16 checks, dayroom inspections, and supervising the deputies' duties to segregate  
17 violent inmates from vulnerable inmates, violence on the 5<sup>th</sup> Floor of RPDC could  
18 be eliminated and the safety and security of inmates housed on the 5<sup>th</sup> floor would  
19 be ensured. Rather than adequately supervise deputies or implement new policies  
20 and procedures for having deputies supervise inmates on the 5<sup>th</sup> floor of RPDC,

1 Sniff, Di Yorio, Gutierrez, Shouse, Wedel and Stone acquiesced in the manner in  
2 which safety checks, dayroom inspections and housing classification and  
3 interaction of inmates at the jail were being performed. By their inaction in  
4 supervising deputies, Sniff, Di Yorio, Gutierrez, Shouse, Wedel and Stone  
5 allowed constitutional deprivations to continue. Sniff, Di Yorio, Gutierrez,  
6 Shouse, Wedel and Stone's inaction in supervising deputies led to the very type of  
7 constitutional deprivations plaintiff suffered here, namely, had Sniff, Di Yorio,  
8 Gutierrez, Shouse, Wedel and Stone supervised deputies to ensure frequent safety  
9 inspections, dayroom inspections and monitoring/segregation of violent inmates  
10 from vulnerable inmates was occurring, Plaintiff would not have been attacked by  
11 Sanchez and Lunsted; the attack would have been halted before it escalated into  
12 full-blown violence; Plaintiff's head injury from being punched by inmates  
13 Sanchez and Lunsted would have been discovered and medical care provided to  
14 Plaintiff before Sanchez took Plaintiff to the ground; and Plaintiff would not have  
15 suffered paralysis when deputies picked him up before medical staff examined  
16 Plaintiff's condition.

23  
24 153. As a direct and proximate result of Sniff, Di Yorio, Gutierrez,  
25 Shouse, Wedel and Stone's failure to supervise, Plaintiff was seriously injured and  
26 suffered damages in an amount to be proven at trial. Stone was also physically  
27 present when deputies were moving Plaintiff's body before Plaintiff had been  
28

1 assessed by medical staff and arranged for the wheelchair to transport Plaintiff out  
2 of the dayroom, knowing that POST and jail policies required that Plaintiff's body  
3 not be moved, and if moved, should only be moved in a straight line to avoid  
4 spinal cord injury. Stone failed in performing his supervisory duties at the scene  
5 by acquiescing in the deputies' conduct. Sniff, Di Yorio, Gutierrez, Shouse,  
6 Wedel and Stone's inaction to supervise deputies is acquiescence in the  
7 unconstitutional conduct of lower level employees and constitutes a custom and  
8 practice and was the moving force behind Plaintiff's injuries, all of which  
9 evidences a policy of deliberate indifference on the part of Sniff, Di Yorio,  
10 Gutierrez, Shouse, Wedel and Stone to their deputies' misconduct.

15 154. Defendant County, based on the Crime Study which was reported to  
16 the County through its individual employees, and based on the *Gray* lawsuit and  
17 the *Soriano* lawsuit in which County was a named defendant, knew, or should  
18 have known that it needed to increase supervision of deputies by supervisors and  
19 that current levels of supervision were inadequate and were failing to correct  
20 repeated constitutional violations of inmates' rights at RPDC, in particular that  
21 deputies were failing to protect inmates from violence at the hands of other  
22 inmates and that deliberate indifference to the medical needs of inmates occurred  
23 with frequency, causing substantial harm to inmates housed in the County jails.  
24 Based on the prior reported instances of violence and lack of adequate medical  
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1 care, it was obvious to the County that changes in employee supervision policies  
2 were necessary to avoid further constitutional violations. Despite having notice of  
3 these repeated constitutional violations of inmates' rights, County took no action  
4 to supervise lower level employees and/or direct the supervision of employees in  
5 how to protect an inmate from violence or how an injured victim's body should be  
6 handled so as to avoid delayed or denied access to medical care when an inmate is  
7 in serious need of medical attention. The many instances of prior violence at  
8 RPDC (200+ cases in a one year time span) and certification of a class of inmates  
9 housed in County jails alleging deliberate indifference to medical needs evidences  
10 a pattern of misconduct, all of which was known, or should have been known by  
11 County prior to Plaintiff's incident. County's policy of inaction in light of the  
12 notice it had regarding its defective supervision or improperly implemented  
13 programs is the functional equivalent of a decision/policy/custom/practice of the  
14 County to violate the constitutional rights of inmates housed in County jails.  
15 County disregarded the likelihood that more inmates would be injured by taking  
16 no action to supervise jail staff in ways in which to protect inmates from violence  
17 at the hands of other inmates and/or responding to the medical needs of injured  
18 inmates. County's policy of inaction on these issues amounts to deliberate  
19 indifference to the constitutional rights of inmates housed in County's jails,  
20 including Plaintiff's constitutional rights. Had County taken action to properly  
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1 supervise its staff regarding protection of inmates, conducting more frequent  
2 safety checks, dayroom inspections, segregation of violent inmates from  
3 vulnerable inmates and the appropriate way to handle the bodies of injured  
4 inmates in a manner consistent with POST training and the stated policies of the  
5 County jails, Plaintiff's injuries would not have occurred.  
6  
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8 155. County acted with deliberate indifference in failing to supervise  
9 employees, knowing that its failure to do so would result in more constitutional  
10 deprivations. As a direct and proximate result of County's inadequate supervision  
11 of employees of the Riverside County Sheriff's Department, Plaintiff was  
12 seriously injured and suffered damages in an amount to be proven at trial.  
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15 156. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse,  
16 Wedel, Stone and other presently unascertained employees of the County of  
17 Riverside (Does 1 to 100) failed to adequately train, supervise, discipline or in any  
18 way control all of the individually named defendant-officers and Does 1 to 100,  
19 inclusive, in the exercise of their duties as officers, sergeants, commanders and/or  
20 supervisors.  
21  
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23 157. County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel,  
24 Stone and other presently unascertained employees of the County of Riverside  
25 (Does 1 to 100) knowingly and deliberately fostered, maintained and condoned a  
26 policy, practice and custom or otherwise acted in a manner that was deliberately  
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1 indifferent to the lives and liberty of persons such as David Manzo and that such  
2 policy, practice, custom and/or actions were a direct and legal cause of his injuries  
3 and damages. The policy, practice, custom and actions included, without  
4 limitation, knowingly and deliberately failing to properly train, discipline and  
5 supervise employees regarding detentions, apprehension, use of force, detention  
6 and apprehension of persons with mental health issues and disabilities, control and  
7 supervision over inmates with known violent tendencies, and recognizing and  
8 attending to inmates with serious medical needs in a manner that does not delay or  
9 deny access to constitutionally adequate medical care.  
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14 158. Plaintiff is informed and believes and based thereon alleges that  
15 County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone and other  
16 presently unascertained employees of the County of Riverside (Does 1 to 100)  
17 learned and became aware of the excessive force used against David Manzo and  
18 his attack by other inmates within the jail, as well as his lack of access to medical  
19 care and the interference by deputies in getting David Manzo medical care when  
20 his need for medical care was obvious, but that County of Riverside, Sniff, Di  
21 Yorio, Gutierrez, Shouse, Wedel, Stone and other presently unascertained  
22 employees of the County of Riverside (Does 1 to 100) tolerated, encouraged and  
23 condoned this misconduct by consciously ignoring, turning a blind eye and  
24 overlooking the misconduct.  
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1           159. By consciously and deliberately overlooking the acts of misconduct  
2 by their subordinate officers, including Defendants Salazar, McCollum, Toan,  
3 Bell, Dominguez, Monzon, Emeka, Young, Cortez, Bresyn, Griesinger, Mitchell,  
4 Perez and Does 1 to 100, County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse,  
5 Wedel, Stone and other presently unascertained employees of the County of  
6 Riverside (Does 1 to 100) established a custom and practice of condoning and  
7 ratifying such misconduct, and established a tolerated pattern of constitutional  
8 violations amongst their subordinate officers. The condoning of misconduct by  
9 Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone  
10 and other presently unascertained employees of the County of Riverside (Does 1  
11 to 100) was so comprehensive and well-known that their subordinate officers were  
12 emboldened to blatantly violate the constitutional rights of person such as David  
13 Manzo.

14           160. County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel,  
15 Stone and other presently unascertained employees of the County of Riverside  
16 (Does 1 to 100), through their custom and practice of encouraging, condoning,  
17 tolerating and ratifying constitutional violations by their subordinate officers, were  
18 deliberately indifferent to the constitutional violations being committed by their  
19 subordinates, including said subordinate defendants.

20           161. Based on the custom and practice of condoning, tolerating, and

1 ratifying constitutional violations and a failure to adequately train and discipline  
2 subordinate officers who committed constitutional violations, such as Defendants  
3 Salazar, McCollum, Toan, Bell, Dominguez, Monzon, Emeka, Young, Cortez,  
4 Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100, Defendants County of  
5 Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone and other presently  
6 unascertained employees of the County of Riverside (Does 1 to 100) are liable for  
7 constitutional violations committed by the said defendants for the damages  
8 suffered by plaintiff as set forth herein.

12 162. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse,  
13 Wedel, Stone and other presently unascertained employees of the County of  
14 Riverside (Does 1 to 100):

- 16 (a) failed to provide adequate supervision to the medical staff and deputies  
17 who are required to render emergency medical care that meets the  
18 standards of the Constitution;  
19  
20 (b) failed to comply with California law that requires a specific ratio of  
21 supervising sworn deputies to correctional deputies at RPDC;  
22  
23 (c) failed to promulgate and enforce adequate policies and procedures  
24 related to rendering adequate emergency medical care that meets  
25 professional and legal standards such that the violation of citizens' civil  
26 rights by deputies and medical staff occurred and is continuing to occur in  
27  
28

1 the Riverside County jail system; and

2 (d) failed to promulgate and enforce adequate policies and procedures that  
3 would reduce and/or eliminate the rampant inmate-on-inmate violence  
4 occurring in Riverside County jails, particularly the 5<sup>th</sup> floor of RPDC  
5 which houses inmates with mental health conditions such that the violation  
6 of inmates' civil rights occurred and is continuing to occur in the Riverside  
7 County jail system.  
8  
9  
10

11 163. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse,  
12 Wedel, Stone and other presently unascertained employees of the County of  
13 Riverside (Does 1 to 100), have a widespread history of ratifying deputy  
14 misconduct by failing to conduct appropriate investigations and by encouraging  
15 and perpetuating a shroud of secrecy among jail employees regarding conditions  
16 in the jail by threatening criminal prosecution against employees who discuss jail  
17 conditions with outsiders.  
18  
19  
20

21 164. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse,  
22 Wedel, Stone and other presently unascertained employees of the County of  
23 Riverside (Does 1 to 100), were aware of previous instances of untimely,  
24 inadequate and improper medical care and treatment provided to inmates and  
25 rampant inmate-on-inmate violence occurring on the 5<sup>th</sup> floor of RPDC but failed  
26 to properly supervise and discipline their employees or agents to abate such  
27  
28

1 conduct. Upon information and belief, supervising officers were made aware of  
2 the foregoing misconduct or witnessed the Constitutional violations committed by  
3 deputies and medical staff but failed to supervise or discipline them.  
4

5 165. There has been an official policy of acquiescence in the afore-  
6 mentioned wrongful conduct. Defendants County of Riverside, Sniff, Di Yorio,  
7 Gutierrez, Shouse, Wedel, Stone and other presently unascertained employees of  
8 the County of Riverside (Does 1 to 100), have failed to promulgate corrective  
9 policies and regulations in the face of repeated Constitutional violations. As a  
10 result, Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse,  
11 Wedel, Stone and other presently unascertained employees of the County of  
12 Riverside (Does 1 to 100) failure to act to stop repeated constitutional violations  
13 in the form of inadequate medical care and violence against inmates by other  
14 inmates acts as an endorsement by Defendants County of Riverside, Sniff, Di  
15 Yorio, Gutierrez, Shouse, Wedel, Stone and other presently unascertained  
16 employees of the County of Riverside (Does 1 to 100) of such wrongful conduct.  
17

18 166. Defendants County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse,  
19 Wedel, Stone and other presently unascertained employees of the County of  
20 Riverside (Does 1 to 100), failed to supervise and insure that deputies fulfilled  
21 their full 12 hours of advanced officer medical training, instead allowing deputies  
22 and trainers to sign declarations that the training was complete when in fact, it was  
23  
24  
25  
26  
27  
28

1 not. The foregoing Defendants condoned and acquiesced in the abusive behavior  
2 of their subordinates by refusing to retrain them, discipline them, or correct their  
3 abusive behavior.  
4

5 167. As a result of their failure to properly supervise deputies and  
6 medical staff of the Riverside County Sheriff's office, Defendants County of  
7 Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone and other presently  
8 unascertained employees of the County of Riverside (Does 1 to 100), were  
9 deliberately indifferent to the needs of Manzo. The failure to supervise was the  
10 moving force behind the misconduct of the deputies, the denial of medical care to  
11 Manzo, the violence perpetrated against Manzo at the hands of the other inmates  
12 and Manzo's resulting pain, suffering and mental anguish.  
13

14 168. As a result of the foregoing conduct, Manzo's Fourteenth  
15 Amendment due process rights were violated.  
16

17 169. As a direct and proximate result of the actions of Defendants County  
18 of Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone and other presently  
19 unascertained employees of the County of Riverside (Does 1 to 100), David  
20 Manzo suffered unconstitutional treatment and inhumane conditions while in  
21 RPDC as well as significant physical and psychological injuries.  
22

23 170. Manzo is no longer able to care for his own needs including,  
24 toileting, bathing and feeding and will require 24-hour round the clock medical  
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1 care and treatment for the remainder of his life.

2 **Fifth Claim**

3  
4 **Violation of 42 U.S.C. §1983**  
5 **Monell Municipal Liability**  
6 **By David Manzo against County of Riverside**

7 171. Plaintiff David Manzo realleges and incorporates by reference  
8 paragraphs 1-170 of this complaint.

9 **Monell Liability – Pattern/Practice of Denying Medical Care:**

10  
11 172. Defendant County of Riverside maintained an unconstitutional  
12 policy, ordinance or regulation which allowed their deputies and medical staff to  
13 deny medical care to inmates. There were longstanding and systemic deficiencies  
14 in the Riverside County jail system, including RPDC's treatment of inmates.  
15 Deficiencies included improper cell checks, inadequate medical staffing, lack of  
16 required training or screening, diagnosis and treatment of medical and psychiatric  
17 conditions, and non-compliant medical policies and procedures. County of  
18 Riverside's failure to train its deputies regarding treatment of inmates in  
19 emergency medical situations and/or medical distress rises to the level of a  
20 municipal custom that authorized and/or condoned deputy and medical staff  
21 misconduct.

22  
23 173. Upon information and belief, the permanent, widespread, well-  
24 settled practice or custom was to deny treatment to inmates in serious medical  
25

1 distress; not properly screen inmates for medical care or treatment; failing to  
2 utilize universally accepted emergency medical protocols and procedures; failing  
3 to communicate the medical needs of inmates to other staff, including outside  
4 medical facilities; not properly checking on the welfare of the inmate; failing to  
5 conduct proper cell checks as required; and not investigating misconduct of  
6 deputies and medical staff.  
7

8  
9 174. County of Riverside's failure to render adequate medical care to  
10 inmates housed in the County jails, including RPDC was previously addressed in  
11 a class action lawsuit brought on behalf of County of Riverside jail inmates  
12 entitled *Quinton Gray v. County of Riverside*, Case No.: EDCV 13-0444 VAP,  
13 and filed on March 8, 2013 in the United States District Court for the Central  
14 District of California. In that case, County of Riverside entered a consent decree  
15 which was filed on June 7, 2016 wherein the County of Riverside agreed to  
16 implement remedial measures to address the failure to provide constitutionally  
17 adequate medical care to prisoners housed in County of Riverside jails. The  
18 remedial plan included, among other requirements: that "all health care staff shall  
19 provide community standard of care" in their respective roles; that emergency  
20 procedures are to be provided "immediately"; and that in the event of a medical  
21 emergency, the inmate will be seen by health care staff at an RN level or higher  
22 "as soon as possible".  
23  
24  
25  
26  
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28

1           175.       Notwithstanding the Consent Decree, on October 25, 2016,  
2 Manzo experienced a medical emergency and County of Riverside jail staff  
3 continued to follow their longstanding policy, custom and practice of refusing to  
4 provide adequate medical care to Manzo by failing to provide any universally  
5 accepted medical and spine emergency procedures including, but not limited to,  
6 an evaluation of Manzo's condition prior to undertaking movement of Manzo's  
7 body, and use of spinal precautions like a cervical collar and backboard when  
8 transporting Manzo out of the jail.  
9

10  
11  
12           176.       Defendant County of Riverside was deliberately indifferent to the  
13 widespread unconstitutional acts by its deputies and medical staff and failed to set  
14 forth appropriate policies regarding the treatment of inmates, even after entering a  
15 consent decree in the *Quinton Gray v. County of Riverside* case. During the  
16 relevant period, all individually named Defendants herein, medical staff and  
17 presently unascertained employees of the County of Riverside Does 1 to 100,  
18 were acting pursuant to the policy of Defendant County of Riverside. This pattern  
19 of deliberate indifference to basic medical needs of inmates within the County of  
20 Riverside jail system promoted and maintained a culture of deliberate indifference  
21 to human life and basic medical care and treatment for inmates at RPDC.  
22

23  
24  
25           177.       Defendant County of Riverside was deliberately indifferent to the  
26 right of David Manzo and others to be free from, and protected from, harm caused  
27  
28

1 by the misconduct of its employees. The County of Riverside's longstanding  
2 practice or custom was unconstitutional in that it was deliberately indifferent to a  
3 substantial risk of serious harm to inmates and violated inmates', including David  
4 Manzo's Fourteenth Amendment right to receive medical care and due process.  
5

6  
7 178. As a direct and proximate result of the practice or custom of  
8 Defendant County of Riverside and the individual Defendants named herein, as  
9 well as presently unascertained employees of the County of Riverside, Does 1 to  
10 100, Manzo was denied appropriate medical care when his body was moved  
11 without the use of spinal or medical precautions of any kind, thereby rendering  
12 him a quadriplegic.  
13  
14

15 179. The unlawful and illegal conduct of Defendant County of  
16 Riverside and the individually named defendants alleged herein, Manzo's rights,  
17 privileges and immunities secured to him by the Constitution of the United States,  
18 including, but not limited to, due process under the 14th Amendment to the  
19 Constitution was violated.  
20  
21

22 180. Manzo is no longer able to care for his own needs including,  
23 toileting, bathing and feeding and will require 24-hour round the clock medical  
24 care and treatment for the remainder of his life.  
25

26 181. As a direct, proximate and foreseeable result, Manzo suffered  
27 damages in an amount according to proof at the time of trial.  
28

1           **Monell Liability – Pattern/Practice of Failing to Protect Inmates from**  
2           **Violence and Cruel and Unusual Punishment**

3           182. Defendant County of Riverside maintained an unconstitutional  
4 policy, ordinance, custom, practice and/or regulation which allowed their deputies  
5 to deny protection to inmates from violence at the hands of other inmates housed  
6 in Riverside County jails under the due process clause of the Fourteenth  
7 Amendment to the U.S. Constitution and to be free from cruel and unusual  
8 punishment. There were longstanding and systemic deficiencies in the Riverside  
9 County jail system's protection of inmates from violence occurring within  
10 Riverside County jails, including RPDC. Deficiencies included improper cell  
11 checks, inadequate staffing, overcrowding, lack of required training or screening,  
12 and non-compliant policies and procedures. County of Riverside's failure to train  
13 its deputies regarding protection of inmates from violence at the hands of other  
14 inmates housed in the jails rises to the level of a municipal custom that authorized  
15 and/or condoned deputy misconduct.

16  
17           183. Plaintiff is informed and believes and based thereon alleges that at all  
18 times stated herein, Defendant County of Riverside knew or should have known  
19 that there existed an extremely high level of inmate-on-inmate violence occurring  
20 in its jail systems, in particular the 5<sup>th</sup> Floor of RPDC based on prior reported  
21 instances of violence resulting in injury and/or death of inmates. Such prior  
22 instances included, but are not limited to the incident involving inmate Eddy

1 Soriano and the 208 instances of violence analyzed in the RPDC Crime Study.

2 184. Plaintiff is informed and believes and based thereon alleges that, at  
3  
4 all times herein mentioned, Defendant County of Riverside, with deliberate  
5 indifference, and conscious and reckless disregard to the safety, security and  
6 constitutional and statutory rights of Plaintiff, maintained, enforced, tolerated,  
7 ratified, permitted, acquiesced in, and/or applied, among others, the following  
8 policies, practices and customs:  
9  
10

- 11 a. Failing to adequately train, supervise, and control custodians of  
12 jail inmates in the proper recognition of dangerous inmates and  
13 violent situations;  
14
- 15 b. Failing to adequately train, supervise and instruct custodians of  
16 jail inmates in properly monitoring, deterring, controlling and  
17 responding to inmate altercations and violence;  
18
- 19 c. Failing to establish policies and procedures that enable  
20 identification and separation of extremely dangerous or violent  
21 inmates from other inmates, detainees or arrestees;  
22
- 23 d. Failing to adequately train, supervise and control custodians of jail  
24 inmates in the proper response to threats of violence;  
25
- 26 e. Failing to monitor video and audio surveillance of inmates  
27 closely, particularly in areas containing high risk inmates like the  
28

1 5<sup>th</sup> Floor mental health housing at RPDC; and

2 f. Failing to establish policies and procedures to reduce the risk of  
3 inmate injury by providing for immediate response to inmate  
4 violence or threats of violence.  
5

6  
7 185. Defendant County of Riverside was deliberately indifferent to the  
8 widespread unconstitutional acts by its deputies and failed to set forth appropriate  
9 policies regarding protecting inmates from violence in the jails.  
10

11 186. The pattern of violence that was compiled in the RPDC Crime Study  
12 supports an inference that Defendant County of Riverside is promoting and  
13 maintaining a culture of deliberate indifference to the safety and security of  
14 inmates in its jail system.  
15

16  
17 187. Defendant County of Riverside was deliberately indifferent to the  
18 right of Plaintiff to be free from and protected from harm and violence at the  
19 hands of other inmates.  
20

21 188. Defendant County of Riverside's (through the County of Riverside  
22 Sheriff's Department) longstanding practice or custom was unconstitutional in  
23 that it was deliberately indifferent to a substantial risk of serious harm to inmates.  
24

25 189. As a direct and proximate result of the practice or custom of the  
26 County of Riverside, Defendant County of Riverside's employees, Wedel, Stone,  
27 Toan, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1  
28

1 to 100 failed to protect Plaintiff from violence at the hands of Defendant Sanchez  
2 and Lunsted.

3  
4 190. The unlawful and illegal conduct of Defendant County of Riverside  
5 deprived Plaintiff of the rights, privileges and immunities secured to him by the  
6 Constitution of the United States.

7  
8 191. As a direct and proximate result of the foregoing, Plaintiff sustained  
9 severe injury and damage in an amount to be proven at trial.

10  
11 **Monell Liability – Pattern/Practice of Use of Excessive Force:**

12 192. Defendant County of Riverside Sheriff's deputies, acting under  
13 color of law, have subjected Manzo and other persons similarly situated to a  
14 pattern of conduct consisting of a continuing, widespread and persistent pattern of  
15 unconstitutional misconduct, including beating of detainees.

16  
17  
18 193. County of Riverside failed to properly investigate complaints of  
19 excessive force; and has a widespread history of ratifying use of excessive force  
20 by failing to conduct appropriate investigations into deputy misconduct.

21  
22 194. County of Riverside knew or should have known that deputies  
23 were violating individuals' constitutional rights by using excessive force and  
24 specifically that Defendants Salazar and McCollum were violating the rights of  
25 arrestees. County of Riverside knew or should have known that Defendants  
26 Salazar and McCollum frequently used excessive force in arresting individuals,  
27  
28

1 including beating arrestees after the arrestee had already been handcuffed and  
2 posed no threat to officer safety; that the deputies frequently ignored evidence that  
3 potential arrestees suffered from mental health disorders that required the use of  
4 Welfare and Institutions Code 5150 procedures rather than arrest; and that the  
5 deputies would arrest individuals under factual circumstances that should have led  
6 to the arrestee's evaluation by ETS rather than booking and jail.  
7

8  
9 195. Faced with such information, County of Riverside refused to  
10 investigate the matter and/or took no remedial steps or action against Deputy  
11 Salazar and Deputy McCollum. There has been an official policy of acquiescence  
12 in the wrongful conduct. County of Riverside also failed to promulgate corrective  
13 policies and regulations in the face of such repeated constitutional violations.  
14

15  
16 196. County of Riverside as a matter of custom, practice and policy,  
17 failed to maintain adequate and proper training necessary to educate deputies in  
18 the Riverside County Sheriff's Department as to the Constitutional rights of  
19 arrestees; to prevent the consistent and systematic use of excessive force by  
20 arresting deputies; and to prevent the beating and extra judicial punishment of  
21 arrestees by officers. County of Riverside failed to provide adequate training and  
22 supervision to deputies that hold the power, authority, insignia, equipment and  
23 arms entrusted to them.  
24

25  
26  
27 197. Manzo is informed and believes, and based thereon alleges, that  
28

1 high ranking County of Riverside officials, including Defendant Sniff, Di Yorio,  
2 and presently unknown supervisory officials with the County of Riverside  
3  
4 Sheriff's Department Does 1 to 100, knew and/or reasonably should have known  
5 about the repeated acts of misconduct by Defendants Salazar and McCollum.

6  
7 198. Despite such notice, Plaintiff is informed and believes that County  
8 of Riverside approved, ratified, condoned, encouraged, and/or tacitly authorized  
9 the continuing pattern and practice of misconduct and/or civil rights violations by  
10 Sheriff's Department deputies, including, Defendants Salazar and McCollum.

11  
12 199. County of Riverside knew or should have known of the dangerous  
13 propensities of County of Riverside Sheriff's deputies, but took no steps to train  
14 them, correct their abuse of authority, or discourage their unlawful use of  
15 authority. County of Riverside acquiesced and condoned the abusive behavior by  
16 refusing to retrain deputies, or correct their abusive behavior. That acquiescence  
17 had advised sheriff's deputies that using excessive force to arrest a submissive  
18 arrestee was acceptable under the policies of the Riverside County Sheriff's  
19 Department.  
20  
21  
22

23  
24 200. Defendant County of Riverside had knowledge of prior incidents  
25 of misconduct and civil rights violations by other deputies involving similar facts.  
26 County of Riverside knew or should have been aware that the policy regarding  
27 supervision and discipline of deputies who violated civil rights of citizens and  
28

1 who commit assault and battery was so inadequate that it was obvious that a  
2 failure to correct it would result in further incidents of dangerous and lawless  
3 conduct perpetrated by the Riverside County Sheriff's Department deputies.  
4

5         201. County of Riverside, with deliberate indifference, disregarded a  
6 duty to protect the public from official misconduct. The failure to promulgate or  
7 maintain constitutionally adequate training and the lack of deputy discipline was  
8 done with deliberate indifference to the rights of Manzo and others in his position.  
9 The constitutionally infirm lack of adequate training and supervision of deputies  
10 in this case caused Manzo's damages.  
11

12  
13  
14         202. Additionally, as a result of County of Riverside's historical failure  
15 to properly investigate complaints of deputy misconduct, County of Riverside was  
16 deliberately indifferent to the needs of Manzo. The County of Riverside's  
17 longstanding practice or custom was unconstitutional in that it was deliberately  
18 indifferent to a substantial risk of serious harm to arrestees like Manzo. The  
19 County of Riverside's failure to investigate was the moving force behind the  
20 wrongful detention and arrest of Manzo and the resulting pain and suffering  
21 Manzo experienced, and continues to experience.  
22  
23  
24

25         203. Plaintiff is further informed and believes, and based thereon  
26 alleges, that as a result of the deliberate indifference, reckless and/or conscious  
27 disregard of the misconduct by Defendants Salazar and McCollum, the County of  
28

1 Riverside encouraged those deputies to continue their course of misconduct,  
 2 resulting in the violation of Manzo's rights as alleged herein. The aforementioned  
 3 acts and/or omissions and/or deliberate indifference by high ranking County of  
 4 Riverside officials, including Sheriff Sniff and Undersheriff Di Yorio, resulted in  
 5 the deprivation of Manzo's constitutional rights, including, but not limited to the  
 6 following:  
 7

8  
 9 (a) The right to be free from unreasonable searches and seizures as  
 10 guaranteed by the Fourth and Fourteenth Amendments to the US Constitution;  
 11

12 (b) The right not to be deprived of life or liberty without due process of law,  
 13 as guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution;  
 14

15 (c) The right to be free from the use of excessive force by police officers,  
 16 which is guaranteed by the Fourth, Fifth and Fourteenth Amendments to the U.S.  
 17 Constitution; and  
 18

19 (d) The right to equal protection of the laws, as guaranteed by the Fourteenth  
 20 Amendment to the U.S. Constitution; and  
 21

22 (e) The right to be free from the imposition of cruel and unusual punishment.  
 23

24 204. As a result of the foregoing conduct, Manzo's constitutional rights  
 25 were violated.

26 205. As a direct and proximate result of the actions of Defendants County  
 27 of Riverside, Manzo suffered severe harm including significant physical and  
 28

1 psychological injuries. Manzo is now a quadriplegic and is no longer able to care  
 2 for his own needs including, toileting, bathing and feeding and will require 24-  
 3 hour round the clock medical care and treatment for the remainder of his life.  
 4

### 5 **Sixth Claim**

#### 6 **Failure to Intervene to Protect Inmate (42 U.S.C. § 1983)** 7 **By David Manzo against Defendants McCollum and Salazar** 8

9 206. Plaintiff David Manzo realleges and incorporates by reference  
 10 paragraphs 1-205 of this complaint.  
 11

12 207. On September 5, 2016, Defendants McCollum and Salazar were  
 13 present and were charged with the constitutional duties of protection of plaintiff  
 14 and were charged with the duty to not knowingly, with wanton disregard, cause  
 15 his life, health and safety to be placed in danger by intentionally and/or  
 16 deliberately ignoring the known dangers to plaintiff that their actions and/or  
 17 omissions placed him in.  
 18  
 19

20 208. At all times relevant here, Defendants McCollum and Salazar had an  
 21 affirmative duty to intervene to stop fellow deputies from violating the  
 22 constitutional rights of inmates, including Manzo.  
 23

24 209. Each of the afore-mentioned defendants had ample and reasonably  
 25 sufficient time and opportunity to so intervene and prevent plaintiff's injuries, and  
 26 was compelled to do so as a Sheriff's deputy under the laws of the State of  
 27 California and under the Constitution of the United States of America.  
 28

210. In deliberate indifference to the life and welfare of plaintiff, each said defendant intentionally and with deliberate indifference to the civil rights of plaintiff, refrained from intervening in the acts leading to plaintiff's injuries, specifically, the excessive and unreasonable force used by McCollum and Salazar against Plaintiff.

211. As a direct and proximate result thereof, Plaintiff's rights under the Fourth and Fourteenth Amendments to the U.S. Constitution were violated. As a further result thereof, plaintiff sustained the injuries and damages alleged herein.

212. The conduct of Defendants McCollum and Salazar was intentional, malicious, willful, wanton and in reckless disregard of Plaintiff's constitutional rights in that this conduct shocks the conscience and is fundamentally offensive to a civilized society, so as to justify the imposition of punitive damages against Defendants McCollum and Salazar.

### Seventh Claim

## State Law Negligence

**By David Manzo against County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone, Toan, Emeka, Young, Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100**

213. Plaintiff David Manzo realleges and incorporates by reference paragraphs 1-212 of this complaint.

214. Defendant County of Riverside is subject to liability pursuant to Cal. Govt. Code section 815.2(a) which provides that a public entity is liable for injury

1 proximately caused by an act or omission of an employee of the public entity  
2 within the scope of his employment if the act or omission would, apart from this  
3 section, have given rise to a cause of action against that employee or his personal  
4 representative.  
5

6  
7 215. The following defendants are employees of Defendant County of  
8 Riverside: Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone, Toan, Emeka,  
9 Young, Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez  
10 and Does 1 to 100. They are subject to liability pursuant to Government Code  
11 section 820(a), which provides that a public employee is liable for injury caused  
12 by his act or omission to the same extent as a private person. Pursuant to  
13 Government Code section 844.6(d), a *public employee* is not exonerated from  
14 liability for injury proximately caused by his negligent or wrongful act or  
15 omission.  
16

17  
18  
19 216. Defendants Bell, Dominguez and Monzon all knew or should have  
20 known that Plaintiff was injured, lying on the floor of the dayroom and needed  
21 medical attention after Plaintiff was attacked by inmates Sanchez and Lusted.  
22 Each of those defendants owed Plaintiff a duty of care not to cause him further  
23 injury and to protect his health and safety by following their POST training  
24 procedures, which included not moving an injured victim before medical  
25 personnel arrive, or if it being necessary to move an injured victim due to an  
26  
27  
28

1 imminent emergency, to move the victim in a straight line, so as not to cause any  
2 damage to the injured victim's spinal cord. Additionally, Defendants Bell,  
3  
4 Dominguez and Monzon each had a duty to follow jail procedures which required  
5 that any corrections staff member who discovers, or is told of, an inmate requiring  
6 medical assistance shall make every effort to find out the nature of the medical  
7 problem and whether or not it is a medical emergency; if it is determined that the  
8 situation is an urgent or emergent medical condition, the staff member shall  
9 immediately notify central control, summon jail medical staff, and notify a  
10 sergeant; and corrections staff shall provide appropriate and timely response to  
11 medical emergencies consistent with officer safety, the staff member's training,  
12 and the use of universal precautions, all prior to the arrival of jail medical staff.  
13  
14  
15  
16

17 217. Defendants Bell, Dominguez and Monzon each breached their duties  
18 owed to Plaintiff by failing to assess his medical situation prior to moving his  
19 body, by moving Plaintiff's body prior to the arrival of medical staff, by not using  
20 universal precautions as required by jail procedures prior to moving Plaintiff's  
21 body, by failing to keep Plaintiff's body in a straight line even once they  
22 wrongfully moved his body, and instead, dragged him around the dayroom  
23 attempting to get him to sit or stand numerous times before ultimately throwing  
24 him into a wheelchair to be taken out of the dayroom. None of the actions taken  
25 by Defendants Bell, Dominguez and Monzon were for the purpose of providing  
26  
27  
28

1 medical care to Plaintiff. Their actions were purely to move Plaintiff out of the  
2 way. None of Defendant Bell, Dominguez or Monzon's actions showed any care  
3 or concern for the damage to Plaintiff's spinal cord they were causing. Instead,  
4 each of Defendants Bell, Dominguez and Monzon's actions and omissions  
5 deliberately caused further harm to Plaintiff's spinal cord in that before those  
6 defendant deputies touched Plaintiff, it was apparent from the video that Plaintiff  
7 could still move his limbs. Once Defendants Bell, Dominguez and Monzon  
8 touched Plaintiff, Plaintiff became a quadriplegic. By breaching their duties to  
9 Plaintiff, Defendants Bell, Dominguez and Monzon caused Plaintiff's spinal cord  
10 to be severed, rendering him a quadriplegic.

15 218. As a direct and proximate result of Defendants Bell, Dominguez and  
16 Monzon's negligence in performing their duties to protect Plaintiff's health and  
17 safety by following jail and POST procedures for assessing injured victims and  
18 waiting for medical staff to arrive before moving Plaintiff's body, Plaintiff  
19 suffered damages in an amount to be proven at the time of trial.

22 219. At all times stated herein, Defendants Wedel, Stone, Toan, Bresyn,  
23 Griesinger, Mitchell, Perez and Does 1 to 100 owed a duty of care to Plaintiff to  
24 take all reasonably necessary steps to ensure Plaintiff's personal security while he  
25 was an inmate at RPDC and to protect Plaintiff's health and safety while Plaintiff  
26 was housed at RPDC under protective custody status while awaiting transfer to a  
27  
28

1 mental hospital. Under California Government Code Sections 845.6; 820(a) and  
2 Section 815.2, Defendants Wedel, Stone, Toan, Bresyn, Griesinger, Mitchell,  
3  
4 Perez and Does 1 to 100 also had a duty to take reasonable action to summon  
5 medical care when they knew, or had reason to know that Plaintiff required  
6 immediate medical care. Under California Government Code Sections 856, 820(a)  
7 and Section 815.2, Defendants Wedel, Stone, Toan, Bresyn, Griesinger, Mitchell,  
8 Perez and Does 1 to 100 also had a duty to use due care in carrying out a  
9 determination to confine Plaintiff and the terms and conditions of Plaintiff's  
10 confinement while at RPDC. Government Code section 856 provides that  
11 "nothing in this section exonerates a public employee from liability for injury  
12 proximately caused by his negligent or wrongful act or omission in carrying out or  
13 failing to carry out...the terms or conditions of confinement of a person for mental  
14 illness."

15  
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18  
19 220. Plaintiff is informed and believes and based thereon alleges that  
20 Defendant Toan was on duty in the Pod control booth at the time of the incident  
21 and witnessed the attack on Plaintiff by inmates Sanchez and Lunsted.  
22 Defendants Wedel, Stone, Bresyn, Griesinger, Mitchell, Perez, Bell, Dominguez,  
23 Monzon and Does 1 to 100 were also on duty and charged with the protection of  
24 inmates, including Plaintiff and knew or should have known from the length of the  
25 fight, the noise coming from dayroom 5a while the fight occurred, and their ability  
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28

1 to see into the dayroom through large windows in each of the doorways, that  
2 Plaintiff was being attacked by two inmates. Plaintiff is informed and believes  
3 and based thereon alleges that on the date of the incident, Defendants Toan,  
4 Wedel, Stone, Bresyn, Griesinger, Mitchell, Perez, Bell, Dominguez, Monzon and  
5 Does 1 to 100 all had access to and the ability and duty to exercise control over  
6 the inmates on the 5<sup>th</sup> floor by using various security measures available to them,  
7 including locking cell doors to segregate certain inmates on the 5<sup>th</sup> floor from  
8 other inmates on the 5<sup>th</sup> floor of RPDC. Defendants Toan, Wedel, Stone, Bresyn,  
9 Griesinger, Mitchell, Perez, Bell, Dominguez, Monzon and Does 1 to 100 using  
10 controls in the Pod control booth, could control which inmates would be permitted  
11 into the dayroom and which would not be permitted in the dayroom. Defendants  
12 Toan, Wedel, Stone, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100 could  
13 lock cell doors from within the Pod Control booth. Plaintiff is informed and  
14 believes and based thereon alleges that at all times, Defendants Toan, Wedel,  
15 Stone, Bresyn, Griesinger, Mitchell, Perez, Bell, Dominguez, Monzon and Does 1  
16 to 100 knew that Plaintiff was an inmate with mental health needs who was in  
17 protective custody status and was awaiting transfer to a mental health hospital.  
18 Plaintiff is informed and believes and based thereon alleges that at all times,  
19 Defendants Toan, Wedel, Stone, Bresyn, Griesinger, Mitchell, Perez, Bell,  
20 Dominguez, Monzon and Does 1 to 100 knew that inmate Sanchez was violent

1 and had frequently been violent toward other inmates in the jail. Plaintiff is  
2 informed and believes and based thereon alleges that Defendants Toan, Wedel,  
3 Stone, Bresyn, Griesinger, Mitchell, Perez, Bell, Dominguez, Monzon and Does 1  
4 to 100 knew that by allowing Sanchez to interact with Plaintiff, they exposed  
5 Plaintiff to a serious risk of injury at the hands of Sanchez. Defendant Toan  
6 watched the entire fight occur between inmates Sanchez, Lunsted and Plaintiff  
7 from the moment it first started when threats were being made by Sanchez against  
8 Plaintiff to the point where both inmates Sanchez and Lunsted were hitting  
9 Plaintiff and ultimately to the point where Sanchez took Plaintiff to the floor.  
10 Plaintiff is informed and believes and based thereon alleges that because  
11 Defendants Wedel, Stone, Bresyn, Griesinger, Mitchell, Perez, Bell, Dominguez,  
12 Monzon and Does 1 to 100 entered the dayroom after the fight at virtually the  
13 same time, as a group, that all of the aforementioned defendants had also  
14 witnessed the fight through the large windows existing on the doors to the  
15 dayroom and from the Pod control booth and/or had overheard the sounds of the  
16 fight occurring when they were within sufficient proximity to have responded in a  
17 prompt manner to halt the altercation before it escalated into full blown violence  
18 against Plaintiff.

26 221. Plaintiff is informed and believes and based thereon alleges that  
27 Defendants Toan, Wedel, Stone, Bresyn, Griesinger, Mitchell, Perez, Bell,  
28

1 Dominguez, Monzon and Does 1 to 100 knew, or had reason to know that Plaintiff  
2 was in need of immediate medical care, yet none of the aforementioned  
3 defendants took reasonable action to summon such medical care before moving  
4 and/or acquiescing in the movement of Plaintiff's body before medical staff could  
5 evaluate him.  
6

7  
8 222. Defendant Bresyn stated in reports that he watched Dominguez and  
9 Bell lifting Plaintiff from the floor of the dayroom. Plaintiff was lifted from the  
10 floor of the dayroom before Plaintiff's medical condition was ever assessed by  
11 any medical staff. Defendant Bresyn also requested the wheelchair that was used  
12 to roll Plaintiff out of the 5A dayroom. Prior to the incident, Defendant Bresyn  
13 underwent POST training that requires deputies to refrain from moving an injured  
14 victim's body prior to being assessed by medical staff because of the likelihood of  
15 causing spinal cord injury. In violation of his POST training procedures and jail  
16 policies and procedures, Defendant Bresyn agreed to move Plaintiff by way of a  
17 wheelchair without any spinal precautions and before medical staff had assessed  
18 Plaintiff's medical condition. Defendant Bresyn then rolled Plaintiff, in the  
19 wheelchair, down the 5<sup>th</sup> floor hallway to another room, rather than transporting  
20 him directly to the hospital.  
21

22  
23 223. Defendant Stone, who was a Sergeant on the scene of the incident  
24 and charged with duties to oversee, supervise and direct the conduct of the  
25  
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28

1 deputies beneath him, filed a report concerning the incident. He stated in his  
2 report that he saw Bell and Dominguez move Plaintiff from the floor of the  
3 dayroom. The video of the incident shows that before Bell and Dominguez  
4 moved Plaintiff, he still had use of his limbs and was not paralyzed. After Bell  
5 and Dominguez moved Plaintiff, Plaintiff became paralyzed from the neck down.  
6 Stone reported that he told Bresyn to get a wheelchair for Plaintiff. Defendant  
7 Perez stated in his report that Stone told Bell and Dominguez to move Plaintiff  
8 onto his side. Prior to the incident, Stone underwent POST training and knew that  
9 an injured victim's body should not be moved prior to an assessment by medical  
10 staff. Stone knew, from his POST training that if an injured victim has to be  
11 moved because of an imminent hazard, then the victim's body should be kept in a  
12 straight line. Stone knew that making Plaintiff sit in a wheelchair could and likely  
13 would, cause further spinal cord injury. Nevertheless, Stone ordered the  
14 wheelchair, and also ordered Plaintiff to be laid down on his side. Stone watched  
15 and approved as Bresyn rolled Plaintiff out of the dayroom in the wheelchair that  
16 Stone had ordered. All of this occurred before Plaintiff's medical condition was  
17 ever assessed.

18  
19 224. Defendant Bell stated in his report that **"as I walked up to Manzo,**  
20 **he was moving his upper body."** Video of the incident also shows that Plaintiff  
21 was not paralyzed from the neck down at the time that Plaintiff was picked up by  
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1 deputies. The County investigator who reviewed the video also confirmed that  
2 Manzo moved his upper body twice while lying on the floor waiting for medical  
3 attention, thereby confirming that Plaintiff was not yet paralyzed from the neck  
4 down when deputies entered the dayroom. Bell stated in his report that there was  
5 blood on Plaintiff's face. Despite seeing that Plaintiff was injured and required  
6 medical attention, and before and without summoning for medical staff to evaluate  
7 Plaintiff, Bell and Dominguez roughly picked up Plaintiff, causing Plaintiff to  
8 become paralyzed from the neck down. Defendant Monzon also assisted in trying  
9 to lift Plaintiff with Bell and Dominguez. After trying many times to have  
10 Plaintiff sit or stand on his own, Bell and Dominguez eventually lifted Plaintiff  
11 into the wheelchair to get him out of the dayroom. Defendant Monzon stated in  
12 his report that when he entered the dayroom, he saw Plaintiff lying on the floor  
13 and that he was "bleeding from his head". Monzon stated in his report that he told  
14 Defendants Bell and Dominguez that Plaintiff had a "head injury". At the time  
15 that Monzon told Bell and Dominguez that Plaintiff had a head injury, Plaintiff is  
16 informed and believes and based thereon alleges that Defendants Stone, Wedel,  
17 Toan, Bresyn, Griesinger, Mitchell and Perez were also all present and heard  
18 Monzon say that Plaintiff had a head injury and therefore knew or should have  
19 known that Plaintiff had a head injury and that moving Plaintiff's body before  
20 summoning medical attention and before having medical staff evaluate Plaintiff  
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1 could and would cause spinal cord injury.

2           225. Defendant Monzon stated after trying many times to lift Plaintiff,  
3  
4 “Manzo appeared completely limp” and that Manzo told all of the jail staff in the  
5 dayroom that he was paralyzed. Defendants Stone, Wedel, Toan, Bell,  
6  
7 Dominguez, Monzon, Bresyn, Griesinger, Mitchell and Perez were all present and  
8 heard Plaintiff say (after his body had been roughly moved around many times by  
9 deputies) that he was paralyzed and each such defendant knew or should have  
10 known that plaintiff had serious injuries that required immediate medical  
11 attention. Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn,  
12  
13 Griesinger, Mitchell or Perez did not summon for medical care and did not give  
14 Plaintiff’s emergency condition the attention it deserved as required by POST  
15 training and jail policies and procedures.  
16  
17

18           226. None of Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn,  
19  
20 Griesinger, Mitchell or Perez’s conduct at the scene of the incident was intended  
21 to provide medical care to Plaintiff or to summon medical care for Plaintiff, but  
22 was instead, merely to move Plaintiff out of the dayroom. All of the foregoing  
23 conduct by Defendants Stone, Wedel, Toan, Bell, Dominguez, Monzon, Bresyn,  
24  
25 Griesinger, Mitchell or Perez caused injury and/or contributed to further injury to  
26 Plaintiff’s spine.  
27

28           227. By moving and/or acquiescing in the movement of Plaintiff’s body

1 from the dayroom before he could be evaluated by medical staff, Defendants  
2 Toan, Wedel, Stone, Bresyn, Griesinger, Mitchell, Perez, Bell, Dominguez,  
3 Monzon and Does 1 to 100 deprived Plaintiff of getting medical care that would  
4 have protected his spinal cord from being damaged. A simple backboard, cervical  
5 collar and other universally accepted spinal precautions would have protected  
6 Plaintiff's spine from being irreparably damaged. Instead, Defendants Toan,  
7 Wedel, Stone, Bresyn, Griesinger, Mitchell, Perez, Bell, Dominguez, Monzon and  
8 Does 1 to 100 moved and/or acquiesced in the movement of Plaintiff, thereby  
9 injuring Plaintiff, denying him access to medical care and rendering Plaintiff a  
10 quadriplegic.

15 228. Even after plaintiff was wheeled out of the dayroom in a wheelchair,  
16 he was taken to a second room down the 5<sup>th</sup> floor hallway where he was then  
17 interrogated by Defendant Toan and other deputies for at least another 30 minutes  
18 before finally being taken to the hospital. During that 30 minutes in the room  
19 down the 5<sup>th</sup> floor hallway, Plaintiff desperately told Defendants Toan, Stone,  
20 Wedel, Emeka, Cortez, Young, Bell, Dominguez, Monzon, Bresyn, Greisinger,  
21 Mitchell, Perez and Does 1 to 100 that he was now paralyzed. Not a single  
22 individual defendant did anything to give Plaintiff's serious medical condition the  
23 emergent attention it deserved. Plaintiff was left sitting upright in a chair in the 5<sup>th</sup>  
24 floor hallway room in excess of 30 minutes being interrogated by Defendant Toan

1 and other jail staff rather than being rushed on a backboard with a cervical collar  
2 to the hospital. Defendant Toan stated in reports of the incident that Plaintiff was  
3 incoherent, mumbling and his head was “bobbing around” during the interrogation  
4 in the 5<sup>th</sup> floor hallway room. Maintaining plaintiff in a sitting position while his  
5 blood pressure continued to drop, with his body’s blood flow being detrimentally  
6 impaired, and his oxygen saturation dropping precipitously, caused further injury  
7 to Plaintiff, all of which was known to Defendants Toan, Stone, Wedel, Emeka,  
8 Cortez, Young, Bell, Dominguez, Monzon, Bresyn, Greisinger, Mitchell, Perez  
9 and Does 1 to 100. Delaying access to appropriate (hospital) medical care  
10 inflicted unnecessary pain, suffering and discomfort on Plaintiff, all of which was  
11 known to Defendants Toan, Stone, Wedel, Emeka, Cortez, Young, Bell,  
12 Dominguez, Monzon, Bresyn, Greisinger, Mitchell, Perez and Does 1 to 100.  
13

14 229. On the day of the incident, Defendants Toan, Wedel, Stone, Bresyn,  
15 Griesinger, Mitchell, Perez, Bell, Dominguez, Monzon and Does 1 to 100  
16 breached their various duties of care owed to Plaintiff by: negligently failing to  
17 exercise due care in monitoring and supervising Plaintiff and Defendants Sanchez  
18 and Lunsted; failing to properly observe and/or supervise the inmates while they  
19 were in the dayroom such that threatening conduct by Sanchez against Plaintiff  
20 began and continued for several minutes; by failing to respond to and halt the  
21 threats being made by inmate Sanchez to Plaintiff, thereby allowing the situation  
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1 to escalate into full blown violence against Plaintiff; by continuing to fail to  
2 respond to halt Sanchez from attacking Plaintiff even after witnessing Plaintiff  
3 being punched in the head several times by inmate Sanchez, and then by inmate  
4 Lunsted; by failing to make physical inspections and visual inspections of the  
5 dayroom at reasonable, timely intervals in order to identify problematic inmates  
6 who were known to be violent as needing to be segregated from protective  
7 custody inmates like Plaintiff; by failing to follow operating procedures and  
8 policies requiring periodic visual inspections of the cells at RPDC; by failing to  
9 segregate inmates Sanchez and Lunsted from Plaintiff, who, due to his mental  
10 health status, required protection from predatory inmates like Sanchez and  
11 Lunsted; and by failing to summon for, and administer, prompt and adequate  
12 medical attention to Plaintiff when he was first punched in the head by Sanchez  
13 multiple times, then when Plaintiff was being attacked by both Sanchez and  
14 Lunsted and finally, after Sanchez took Plaintiff to the floor, and it was obvious  
15 Plaintiff was seriously injured. Instead of summoning medical care, Defendants  
16 Toan, Wedel, Stone, Bresyn, Griesinger, Mitchell, Perez, Bell, Dominguez,  
17 Monzon and Does 1 to 100 moved and/or acquiesced in the movement of  
18 Plaintiff's body prior to the arrival of medical personnel, which resulted in  
19 Plaintiff's spinal cord being severed and rendering him a quadriplegic.  
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28 230. As a direct and proximate result of Defendants Toan, Wedel, Stone,

1 Bresyn, Griesinger, Mitchell, Perez, Bell, Dominguez, Monzon and Does 1 to  
2 100's breached duties, Plaintiff suffered serious injuries and damages in an  
3 amount to be proven at the time of trial.  
4

5 231. At all relevant times, Defendants Toan, Wedel, Stone, Bresyn,  
6 Griesinger, Mitchell, Perez, Bell, Dominguez, Monzon and Does 1 to 100 were  
7 employees acting within the course and scope of their employment with the  
8 County of Riverside, who knew or had reason to know that Plaintiff was in need  
9 of immediate medical care and Defendants Toan, Wedel, Stone, Bresyn,  
10 Griesinger, Mitchell, Perez, Bell, Dominguez, Monzon and Does 1 to 100 failed to  
11 take reasonable action to summon such medical care. Based on the foregoing, and  
12 pursuant to Government Code section 845.6 Defendant County of Riverside is  
13 liable for proximately causing injury by the failure of its employees to take  
14 reasonable action to summon medical care.  
15  
16  
17  
18

19 232. At all times mentioned herein, Defendants Emeka, Young and Cortez  
20 were acting in the course and scope of their employment with Defendant County  
21 of Riverside and were nurses with training in handling medical emergencies and  
22 providing care to injured victims.  
23  
24

25 233. Defendants Emeka, Young and Cortez owed Plaintiff a duty of  
26 care to provide community standard of care medical treatment to Plaintiff and not  
27 to do anything to worsen Plaintiff's medical condition. Under Government Code  
28

1 section 845.6, a public employee lawfully engaged in the practice of the healing  
2 arts is not exonerated from liability for injury proximately caused by malpractice.  
3  
4 Government Code section 845.6 also provides that a public entity is not  
5 exonerated from its obligation to pay any judgment, compromise, or settlement  
6 that it is required to pay under section 844.6(d). Government Code section  
7 844.6(d) provides that a public entity shall pay any judgment based on a claim  
8 against a public employee who is lawfully engaged in the practice of the healing  
9 arts for malpractice arising from an act or omission in the scope of his  
10 employment.  
11  
12

13  
14 234. Defendants Emeka, Young and Cortez were at all times stated herein  
15 acting within the course and scope of their employment with Defendant County of  
16 Riverside.  
17

18 235. Defendants Emeka, Young and Cortez breached their duty of care to  
19 Manzo by:  
20

21 (a) failing to engage in universally accepted emergency medical evaluations,  
22 checking vitals, triage, and first responder first aid as well as universally accepted  
23 spinal or medical precautions before man-handling his body and/or allowing  
24 Plaintiff's body to be moved;  
25

26 (b) improperly, negligently, wrongfully and recklessly failing to provide  
27 constitutionally adequate medical care to Plaintiff, when each of them knew that  
28

1 Plaintiff had suffered severe injuries and required immediate (hospital level)  
2 medical attention;

3  
4 (c) unreasonably delaying and denying plaintiff access to appropriate medical  
5 care;

6  
7 (d) failing to take any action to summon medical treatment or transport Manzo  
8 in a manner that would not cause him further harm or disability;

9  
10 (e) improperly, negligently, wrongfully and recklessly failing to follow proper  
11 procedures for inmates showing signs of serious medical need;

12  
13 236. As a direct and proximate result of Defendants Emeka, Young and  
14 Cortez's acts and omissions, Plaintiff suffered injuries and damages in an amount  
15 to be proven at trial.

16  
17 237. By engaging in the foregoing acts and/or omissions, Defendants  
18 County of Riverside, Sniff, Di Yorio, Gutierrez, Shouse, Wedel, Stone, Toan,  
19 Emeka, Young, Cortez, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell,  
20 Perez and Does 1 to 100 breached their duty of care owed to Manzo.

21  
22 238. The County of Riverside is responsible for the acts and/or omissions  
23 of its individual agents and employees under the theory of respondeat superior.

24  
25 239. As a direct and proximate result of County of Riverside, Sniff, Di  
26 Yorio, Gutierrez, Shouse, Wedel, Stone, Toan, Emeka, Young, Cortez, Bell,  
27 Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100's  
28

1 negligent conduct alleged herein, Manzo suffered severe physical harm and  
2 emotional distress and is now a quadriplegic. He is no longer able to care for his  
3 own needs including, toileting, bathing and feeding and will require 24-hour  
4 round the clock medical care and treatment for the remainder of his life.  
5

6  
7 240. Defendants County, Sniff, Di Yorio, Gutierrez and Shouse had duties  
8 to provide for the safety and security of inmates housed in County jails and to  
9 train and supervise jail staff regarding protecting inmates from violence at the  
10 hands of other inmates and the proper procedures for handling an injured victim's  
11 body so as not to interfere with, delay or deny an inmate medical care.  
12

13  
14 241. Defendants County, Sniff, Di Yorio, Gutierrez and Shouse breached  
15 their various duties by failing to take action to ensure the safety and protection of  
16 inmates housed in the County jails by negligently and carelessly failing to  
17 supervise, train or re-train employees in conducting safety checks, dayroom  
18 inspections, appropriate segregation of violent inmates from vulnerable inmates  
19 and the importance of following POST standards and jail procedures that required  
20 jail staff not to move the body of an inmate before the inmate was medically  
21 assessed.  
22  
23

24  
25 242. As a direct and proximate result of Defendants County, Sniff, Di  
26 Yorio, Gutierrez and Shouse's negligent acts and/or omissions, Plaintiff was  
27 injured when he was attacked by inmates Sanchez and Lusted, when his head  
28

1 injuries from being punched were not properly attended to and when his body was  
2 moved by deputies prior to jail medical staff assessing his condition, which  
3  
4 proximately resulted in Plaintiff suffering catastrophic spinal cord damage and  
5 paralysis. By Defendants County, Sniff, Di Yorio, Gutierrez and Shouse's  
6 negligent acts/omissions, Plaintiff was harmed in an amount to be proven at trial.  
7

8 243. The conduct of Defendants County of Riverside, Sniff, Di Yorio,  
9 Gutierrez, Shouse, Wedel, Stone, Toan, Emeka, Young, Cortez, Bell, Dominquez,  
10 Monzon, Bresyn, Griesinger, Mitchell, Perez and Does 1 to 100, amounts to  
11 oppression, fraud or malice within the meaning of Civil Code section 3294 et seq.,  
12 and punitive damages should be assessed against each such defendant for the  
13 purpose of punishment and for the sake of example.  
14  
15

16  
17 **Eighth Claim**

18 **Violation of 42 U.S.C. §1983**

19 **Excessive Force**

20 **By David Manzo against Deputy Salazar and Deputy McCollum**

21 244. Plaintiff David Manzo realleges and incorporates by reference  
22 paragraphs 1-243 of this complaint.  
23

24 245. At the time of the arrest of Manzo by Defendants Salazar and  
25 McCollum on September 5, 2016, and at all times stated herein, Defendants  
26 Salazar and McCollum acted under color of law to deprive Manzo of certain  
27 constitutionally protected rights, including, but not limited to:  
28

1 (a) The right to be free from excessive force being used against him to affect  
2 an arrest under the Fourth, Fourteenth and Fifth Amendments to the U.S.

3  
4 Constitution;

5 (b) The right to be free from unreasonable searches and seizures as guaranteed  
6 by the Fourth and Fourteenth Amendments to the US Constitution;

7  
8 (c) The right not to be deprived of life or liberty without due process of law, as  
9 guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution;

10  
11 (d) The right to equal protection of the laws, as guaranteed by the Fourteenth  
12 Amendment to the U.S. Constitution; and

13  
14 (e) The right to be free from the imposition of cruel and unusual punishment.

15 246. Defendants Salazar and McCollum's conduct deprived Manzo of  
16 the foregoing constitutional rights when they used unreasonable force to arrest  
17 Manzo – specifically, when each deputy punched Manzo in the head no less than  
18 three times, when Manzo's head was already against the ground and he no longer  
19 posed any threat to the deputies. Defendants Salazar and McCollum's conduct  
20 caused Manzo to suffer extreme pain and suffering and emotional distress, and  
21 ultimately, once he was being housed at RPDC, permanent paralysis of all four of  
22 his limbs. Both Defendants Salazar and McCollum were integral participants in  
23 the use of excessive force.  
24  
25  
26  
27

28 247. Defendant McCollum also failed to intervene to prevent the violation

1 when Defendant Salazar forcefully held Manzo down with his knee to the back of  
2 Manzo's neck.

3  
4 248. Defendants Salazar and McCollum knew that failure to provide  
5 timely medical treatment for Manzo could result in further significant injury or the  
6 unnecessary and wanton infliction of pain, but disregarded that serious medical  
7 need, causing Manzo great bodily harm.

8  
9 249. This use of force was excessive and unreasonable under the  
10 circumstances because after being handcuffed by the deputies, Manzo did not  
11 resist, pose a threat to the safety of the officers, or attempt to evade arrest by  
12 flight. During the relevant period, Defendant Salazar and McCollum were  
13 performing their duties as deputies of the Riverside County Sheriff's Department,  
14 which is a branch of the County of Riverside.

15  
16 250. Based on the conduct of Defendants Salazar and McCollum, Manzo  
17 was deprived of his constitutional rights under the Fourth, Fourteenth and Fifth  
18 Amendments to the U.S. Constitution.

19  
20 251. Defendants Salazar and McCollum knew that the force they used was  
21 illegal. Manzo was subjected to humiliation, fear, physical injury, and pain and  
22 suffering by the illegal acts of Defendants Salazar and McCollum.

23  
24 252. The conduct of Defendants Salazar and McCollum was willful,  
25 wanton, malicious, oppressive, and done with reckless disregard for the rights and  
26  
27  
28

1 safety of Manzo and therefore warrants the imposition of exemplary and punitive  
2 damages against Defendants Salazar and McCollum.

3  
4 **Ninth Claim**

5 **42 USC § 1983 - False Arrest**  
6 **By David Manzo against Deputy Salazar and Deputy McCollum**

7 253. Plaintiff Manzo realleges and incorporates by reference paragraphs 1-  
8 252 of this complaint.

9  
10 254. 42 USC section 1983 provides in part:

11 “Every person who, under color of any statute, ordinance, regulation,  
12 custom, or usage of any State or Territory subjects, or causes to be subjected, any  
13 person of the United States or other person within the jurisdiction thereof to the  
14 deprivation of any rights, privileges, or immunities secured by the Constitution  
15 and laws shall be liable to the party injured in an action at law, suit at equity or  
16 other proper proceeding for redress.”  
17  
18  
19

20 255. Manzo had a firmly established right under the Fourth Amendment to  
21 be free from physical abuse, assault, battery, wrongful arrest and detention and  
22 intentional and negligent infliction of emotional distress.

23  
24 256. Defendants Salazar and McCollum, while acting under color of state  
25 law, deprived Plaintiff David Manzo of his rights, privileges and immunities  
26 secured by the Constitution and laws of the United States, including those secured  
27 by the Fourth and Fourteenth Amendments to the Constitution by, among other  
28

1 things:

2 (a) Seizing Plaintiff without probable cause; and

3  
4 (b) Falsely arresting Plaintiff without probable cause.

5 257. Defendants Salazar and McCollum arrived at Plaintiff's property on  
6  
7 September 5, 2016 to find Plaintiff outside on the front lawn calmly smoking a  
8 cigarette. Defendants Salazar and McCollum did not perform any investigation  
9 into the complaining party's statements at the property before demanding that  
10 Plaintiff immediately be taken to jail. At that moment, based on defendants  
11 Salazar and McCollum's show of authority and their order that Plaintiff go  
12 immediately to jail, Plaintiff's liberties were wrongfully and unlawfully restricted.  
13 Defendant Salazar and McCollum could tell from Plaintiff's demeanor that he  
14 posed no threat to them, and it was obvious to the arresting officers after arriving  
15 at the property that the complaining party's statements to dispatch were not true  
16 and that the crimes alleged to have been committed by Plaintiff had not occurred,  
17 and that Plaintiff was not a threat to others.

18 258. Nevertheless, on September 5, 2016, the defendant officers without  
19 legal justification or probable cause to believe any crime had been committed, and  
20 without a warrant, detained and arrested Plaintiff in violation of his Fourth  
21 Amendment liberty rights. Additionally, Defendants Salazar and McCollum knew  
22 at the time that they arrested Plaintiff that he suffered from a mental health  
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1 condition that rendered him mentally incompetent and lacking the mental capacity  
2 to commit any crime. Defendants Salazar and McCollum intentionally and  
3  
4 unlawfully exercised force or the express or implied threat of force to restrain,  
5 detain, or confine Manzo.

6  
7 259. After Manzo was already handcuffed and posed no threat to officers,  
8 Defendant Salazar forcefully put his knee to Manzo's neck, pinning him to the  
9 ground in a manner designed to cause injury and punish Manzo without due  
10 process of law. Additionally, after Manzo was already handcuffed and was no  
11 threat to officers, Defendants Salazar and McCollum proceeded to beat Manzo.  
12

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14 260. Based on the foregoing conduct of Defendants Salazar and  
15 McCollum, Manzo suffered an unlawful arrest and detention.

16  
17 261. As a direct and proximate result of Defendants Salazar and  
18 McCollum's conduct, the restraint, detention, confinement and arrest caused  
19 Manzo to suffer injury, damage, loss or harm according to proof at the time of  
20 trial.  
21

## 22 **Tenth Claim**

### 23 **Violation of Americans With Disabilities Act** 24 **By David Manzo against County of Riverside** 25

26 262. Plaintiff realleges and incorporates by reference paragraphs 1-261 of  
27 this complaint.  
28

263. Under Title II of the Americans With Disabilities Act, 42 USC §

1 1231, et seq., and Section 504 of the Rehabilitation Act, 29 USC § 701, et seq.,  
2 Manzo is a qualified individual with a disability as defined by 42 USC § 12102(1)  
3 and 29 USC § 705 because he suffers from schizophrenia, which is a mental  
4 health impairment that substantially limits Manzo's major life activities, including  
5 his ability to communicate with people, understand people, his ability to learn, and  
6 to care for himself in activities of daily living.  
7

8  
9 264. Defendant County of Riverside authorities and other government  
10 agencies acknowledged that Manzo has such a mental health  
11 impairment/disability prior to the date of Manzo's arrest on September 5, 2016,  
12 and Manzo was regarded by himself and others as possessing that disability.  
13

14  
15 265. At all times, Defendants Salazar and McCollum knew of Manzo's  
16 disability or should have known of his disability because Defendant Salazar had  
17 responded to Manzo's home address for welfare checks on prior occasions in  
18 which Defendant Salazar had utilized Welfare and Institutions Code section 5150  
19 to detain Manzo and transport him to ETS for psychiatric evaluation and  
20 treatment. Additionally, Manzo's disability is obvious to anyone talking to him  
21 because of the way in which he interacts with others and because other witnesses  
22 at the scene informed the deputies that Manzo suffered from mental health  
23 conditions and that Manzo suffered from a disability immediately before the arrest  
24 occurred.  
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1           266. At the time that Defendants Salazar and McCollum approached  
2 Manzo on his front lawn, a reasonable accommodation for Manzo's disability  
3 could have, and should have, been made in order to avoid an escalation of the  
4 situation because Manzo's mental health disability was obvious.  
5

6           267. Defendants Salazar and McCollum failed to reasonably accommodate  
7 Manzo's disability in the course of investigating and arresting Manzo, causing  
8 him to suffer greater injury and indignity than other individuals and arrestees.  
9  
10

11           268. Potential accommodations might have included, but are not limited  
12 to: communicating with Manzo's caretaker, who was present at the scene;  
13 working with his caretaker to approach Manzo in a non-threatening manner, to  
14 speak to Manzo in a way that was non-threatening and calming in order to avoid  
15 an escalation of the situation and to avoid the use of force; contacting another  
16 officer or employee who specializes in communicating with disabled individuals  
17 like Manzo to facilitate the necessary interaction, removal or arrest; by respecting  
18 Manzo's comfort zone, engaging in non-threatening communications and gestures  
19 with Manzo directly, using the passage of time to defuse the situation, and ceasing  
20 the use of force once it was evident that Manzo was unarmed, terrified, no threat  
21 to officers and following their instructions. Procedures and techniques for  
22 accommodating individuals with disabilities were also part of Defendant Salazar  
23 and McCollum's POST training and therefore, were known or should have been  
24  
25  
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28

1 known to Defendants Salazar and McCollum at the time of the arrest of Manzo.

2       269. By declining to provide the foregoing accommodations to Manzo,  
3  
4 Defendants Salazar and McCollum denied Manzo the benefits and services of  
5 government programs, services, or activities, as well as subjected him to  
6 discrimination on account of his disability. As a public entity that receives federal  
7 financial assistance, Defendant County of Riverside is vicariously liable for  
8 Defendants Salazar and McCollum's violations of Title II of the Americans With  
9 Disabilities Act and Section 504 of the Rehabilitation Act.  
10

11  
12       270. While Manzo was housed on the 5<sup>th</sup> Floor of RPDC Defendants  
13 Wedel, Stone, Toan, Emeka, Young, Cortez, Bell, Dominquez, Monzon, Bresyn,  
14 Griesinger, Mitchell, Perez and other presently unascertained employees of the  
15 County of Riverside (Does 1 to 100) knew or should have known that Manzo was  
16 a qualified individual with a disability as defined by 42 USC § 12102(1) and 29  
17 USC § 705 because he suffers from schizophrenia.  
18

19  
20       271. Defendant County of Riverside authorities and other government  
21 agencies acknowledged that Manzo had such a mental health  
22 impairment/disability prior to the date of the October 25, 2016 incident because  
23 Manzo was housed as a protective-custody level inmate in the mental health  
24 portion of RPDC on the 5<sup>th</sup> floor. Manzo was regarded by himself and other  
25 inmates, deputies and medical staff in RPDC as possessing that disability.  
26  
27  
28

1           272. At all times, Defendants Wedel, Stone, Toan, Emeka, Young, Cortez,  
2 Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other  
3 presently unascertained employees of the County of Riverside (Does 1 to 100)  
4 knew of Manzo's disability or should have known of his disability because of his  
5 placement on the 5<sup>th</sup> floor of RPDC and through review of his classification notes,  
6 medical charts and status as a protective-custody level inmate. Additionally,  
7 Manzo's disability is obvious to anyone talking to him because of the way in  
8 which he interacts with others.

9           273. Immediately before the fight between Manzo, Sanchez and Lunsted,  
10 a reasonable accommodation for Manzo's disability could have, and should have,  
11 been made in order to avoid an escalation of the situation because Manzo's mental  
12 health disability was obvious.

13           274. Defendants Wedel, Stone, Toan, Emeka, Young, Cortez, Bell,  
14 Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently  
15 unascertained employees of the County of Riverside (Does 1 to 100) failed to  
16 reasonably accommodate Manzo's disability in the course of housing him at  
17 RPDC and allowing him to interact with other known violent inmates who also  
18 had mental health conditions. By failing to reasonably accommodate Manzo's  
19 disability, Defendants Wedel, Stone, Toan, Emeka, Young, Cortez, Bell,  
20 Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently

1 unascertained employees of the County of Riverside (Does 1 to 100) caused  
2 Manzo to suffer greater injury and indignity than other individuals and inmates.  
3

4 275. Potential accommodations might have included, but are not limited  
5 to: having separate dayroom time for Manzo that was different from other  
6 inmates housed on the 5<sup>th</sup> floor of RPDC; limiting or restricting the ability of  
7 inmates housed on the 5<sup>th</sup> floor of RPDC from coming in direct contact with  
8 Manzo; segregating violent inmates from non-violent inmates like Manzo so that  
9 instances of violence would be less likely to happen; housing Manzo in a facility  
10 that does not have a disproportionately high level of violence; and closely  
11 supervising Manzo's interactions with other inmates to watch for signs of threats  
12 or disagreements that could escalate into violence.  
13  
14

15  
16 276. By declining to provide the foregoing accommodations to Manzo,  
17 Defendants Wedel, Stone, Toan, Emeka, Young, Cortez, Bell, Dominquez,  
18 Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently unascertained  
19 employees of the County of Riverside (Does 1 to 100) denied Manzo the benefits  
20 and services of government programs, services, or activities, as well as subjected  
21 him to discrimination on account of his disability. As a public entity that receives  
22 federal financial assistance, Defendant County of Riverside is vicariously liable  
23 for Defendants Wedel, Stone, Toan, Emeka, Young, Cortez, Bell, Dominquez,  
24 Monzon, Bresyn, Griesinger, Mitchell, Perez and other presently unascertained  
25  
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27  
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1 employees of the County of Riverside's (Does 1 to 100) violations of Title II of  
2 the Americans With Disabilities Act and Section 504 of the Rehabilitation Act.  
3

4 277. Defendant County of Riverside failed to make reasonable  
5 modifications necessary to avoid discrimination against individuals with mental  
6 health disabilities, like Manzo both in the context of the arrest and the subsequent  
7 housing and supervision of Manzo on the 5<sup>th</sup> Floor of RPDC.  
8

9 278. As a result of the foregoing conduct, Manzo's rights under Title II of  
10 the Americans With Disabilities Act and Section 504 of the Rehabilitation Act  
11 were violated and he was discriminated against because of his disability.  
12  
13

14 279. As a direct and proximate result of the actions of Defendants County  
15 of Riverside, Salazar and McCollum, Wedel, Stone, Toan, Emeka, Young, Cortez,  
16 Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell, Perez and other  
17 presently unascertained employees of the County of Riverside (Does 1 to 100),  
18 Manzo suffered severe harm including significant physical and psychological  
19 injuries. Manzo is now a quadriplegic and is no longer able to care for his own  
20 needs including, toileting, bathing and feeding and will require 24-hour round the  
21 clock medical care and treatment for the remainder of his life.  
22  
23  
24

25 **Eleventh Claim**

26 **(Claim for Battery Brought by David Manzo against Defendants Sanchez**  
27 **and Lunsted)**  
28

280. Plaintiff realleges and incorporates by reference paragraphs 1 - 279

1 of this complaint.

2 281. On October 25, 2016, Defendants Sanchez and Lunsted touched  
3 Manzo with the intent to harm or offend him by punching him in Dayroom 1 of  
4 5A of the RPDC.  
5

6 282. Defendants Sanchez and Lunsted inflicted bodily injury on Manzo  
7 resulting in damages in an amount to be proven at trial.  
8

9 283. At no time did Manzo consent to the touching by Defendants  
10 Sanchez and Lunsted.  
11

12 284. A reasonable person in Manzo's situation would have been offended  
13 by Defendants Sanchez and Lunsted's conduct in beating Manzo.  
14

15 285. As a direct and proximate result of Defendants Sanchez and  
16 Lunsted's actions in beating Manzo, Manzo was harmed and suffered damages  
17 and severe injuries as alleged herein.  
18

19 286. Defendants Sanchez and Lunsted's conduct alleged herein amounts  
20 to oppression, fraud or malice within the meaning of Civil Code section 3294 et  
21 seq., and punitive damages should be assessed against each such defendant for the  
22 purpose of punishment and for the sake of example.  
23  
24

25 **PRAYER**

26 WHEREFORE, Plaintiff prays for judgment against defendants, and each of them,  
27 jointly and severally, as follows:  
28

- 1 a. For economic damages according to proof;
- 2 b. For non-economic damages according to proof;
- 3
- 4 c. Punitive damages against each of the individual defendants (Sniff,
- 5 Di Yorio, Gutierrez; Shouse, Wedel, Stone, Toan, Emeka, Cortez,
- 6 Young, Bell, Dominquez, Monzon, Bresyn, Griesinger, Mitchell,
- 7 Perez Salazar, McCollum, Sanchez, Lusted and Does 1 to 100;
- 8
- 9 d. Reasonable attorney fees and costs of suit pursuant to 42 U.S.C.
- 10 1988 and other relevant statutes where appropriate;
- 11
- 12 e. Compensatory damages;
- 13
- 14 f. Prejudgment interest;
- 15
- 16 g. Costs of suit incurred herein and further relief as the Court deems
- 17 just and proper.

18 **DEMAND FOR JURY TRIAL**

19 Plaintiff respectfully demands that the present matter be set for a jury trial.

20

21 Dated: March 12, 2018      \s\ \_\_\_\_\_  
Robert Trujillo, Esq.  
Attorney for Plaintiff David Manzo by and through  
23 his Conservator, Genoveva Manzo

24

25 Dated: March 12, 2018      \s\ \_\_\_\_\_  
Melody Trujillo, Esq.  
Attorney for Plaintiff David Manzo by and through  
27 his Conservator, Genoveva Manzo

28 ///

1 Dated: March 12, 2018                    \s\ \_\_\_\_\_  
2 Suzanne Skolnick, Esq.  
3 Attorney for Plaintiff David Manzo by and through  
4 his Conservator, Genoveva Manzo

5 Dated: March 12, 2018                    \s\ \_\_\_\_\_  
6 Lewis Khashan, Esq.  
7 Attorney for Plaintiff David Manzo by and through  
8 his Conservator, Genoveva Manzo  
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